

**Effective 5/10/2016**

**76-7-305.5 Requirements for printed materials and informational video.**

- (1) In order to ensure that a woman's consent to an abortion is truly an informed consent, the Department of Health shall, in accordance with the requirements of this section:
- (a) publish printed materials; and
  - (b) produce an informational video.
- (2) The printed materials and the informational video described in Subsection (1) shall:
- (a) be scientifically accurate, comprehensible, and presented in a truthful, nonmisleading manner;
  - (b) present adoption as a preferred and positive choice and alternative to abortion;
  - (c) be printed and produced in a manner that conveys the state's preference for childbirth over abortion;
  - (d) state that the state prefers childbirth over abortion;
  - (e) state that it is unlawful for any person to coerce a woman to undergo an abortion;
  - (f) state that any physician who performs an abortion without obtaining the woman's informed consent or without providing her a private medical consultation in accordance with the requirements of this section, may be liable to her for damages in a civil action at law;
  - (g) provide information on resources and public and private services available to assist a pregnant woman, financially or otherwise, during pregnancy, at childbirth, and while the child is dependent, including:
    - (i) medical assistance benefits for prenatal care, childbirth, and neonatal care;
    - (ii) services and supports available under Section 35A-3-308;
    - (iii) other financial aid that may be available during an adoption; and
    - (iv) services available from public adoption agencies, private adoption agencies, and private attorneys whose practice includes adoption;
  - (h) describe the adoption-related expenses that may be paid under Section 76-7-203;
  - (i) describe the persons who may pay the adoption related expenses described in Subsection (2)(h);
  - (j) describe the legal responsibility of the father of a child to assist in child support, even if the father has agreed to pay for an abortion;
  - (k) describe the services available through the Office of Recovery Services, within the Department of Human Services, to establish and collect the support described in Subsection (2)(j);
  - (l) state that private adoption is legal;
  - (m) in accordance with Subsection (3), describe the probable anatomical and physiological characteristics of an unborn child at two-week gestational increments from fertilization to full term, including:
    - (i) brain and heart function; and
    - (ii) the presence and development of external members and internal organs;
  - (n) describe abortion procedures used in current medical practice at the various stages of growth of the unborn child, including:
    - (i) the medical risks associated with each procedure;
    - (ii) the risk related to subsequent childbearing that are associated with each procedure; and
    - (iii) the consequences of each procedure to the unborn child at various stages of fetal development;
  - (o) describe the possible detrimental psychological effects of abortion;
  - (p) describe the medical risks associated with carrying a child to term; and

- (q) include relevant information on the possibility of an unborn child's survival at the two-week gestational increments described in Subsection (2)(m).
- (3) The information described in Subsection (2)(m) shall be accompanied by the following for each gestational increment described in Subsection (2)(m):
  - (a) pictures or video segments that accurately represent the normal development of an unborn child at that stage of development; and
  - (b) the dimensions of the fetus at that stage of development.
- (4) The printed material and video described in Subsection (1) may include a toll-free 24-hour telephone number that may be called in order to obtain, orally, a list and description of services, agencies, and adoption attorneys in the locality of the caller.
- (5) In addition to the requirements described in Subsection (2), the printed material described in Subsection (1)(a) shall:
  - (a) be printed in a typeface large enough to be clearly legible;
  - (b) in accordance with Subsection (6), include a geographically indexed list of public and private services and agencies available to assist a woman, financially or otherwise, through pregnancy, at childbirth, and while the child is dependent; and
  - (c) except as provided in Subsection (7), include a separate brochure that contains truthful, nonmisleading information regarding:
    - (i) substantial medical evidence from studies concluding that an unborn child who is at least 20 weeks gestational age may be capable of experiencing pain during an abortion procedure; and
    - (ii) the measures that shall be taken in accordance with Section 76-7-308.5.
- (6) The list described in Subsection (5)(b) shall include:
  - (a) private attorneys whose practice includes adoption; and
  - (b) the names, addresses, and telephone numbers of each person listed under Subsection (5)(b) or (6)(a).
- (7) A person or facility is not required to provide the information described in Subsection (5)(c) to a patient or potential patient, if the abortion is to be performed:
  - (a) on an unborn child who is less than 20 weeks gestational age at the time of the abortion; or
  - (b) on an unborn child who is at least 20 weeks gestational age at the time of the abortion, if:
    - (i) the abortion is being performed for a reason described in Subsection 76-7-302(3)(b)(i) or (ii); and
    - (ii) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (5)(c).
- (8) In addition to the requirements described in Subsection (2), the video described in Subsection (1)(b) shall:
  - (a) make reference to the list described in Subsection (5)(b); and
  - (b) show an ultrasound of the heartbeat of an unborn child at:
    - (i) four weeks from conception;
    - (ii) six to eight weeks from conception; and
    - (iii) each month after 10 weeks gestational age, up to 14 weeks gestational age.

Amended by Chapter 362, 2016 General Session