SUMMARY

This issue brief provides an update to the Legislature on the implementation of HB 200 passed during the last General Session. Actual General Fund costs in FY 2011 for HB 200 “Informed Consent Amendments” from the 2010 General Session are projected to be $200 or 97% less than anticipated. This issue brief also summarizes other impacts from HB 200. As per the new law, the Department of Health continues to be required to pay for pre-abortion educational materials and ultrasound services to women considering abortions. This brief is for informational purposes only and no action is required.

DISCUSSION AND ANALYSIS

House Bill 200 “Informed Consent Amendments” from the 2010 General Session made changes for the Department of Health and medical personnel performing abortions. These impacts are discussed by group below. House Bill 200 “Informed Consent Amendments” from the 2010 General Session provided $4,000 ongoing and $3,000 one-time General Fund for five requirements for the Department of Health. The Department anticipates spending $200 or 97% less than what was appropriated for FY 2011. These five requirements are summarized here below:

1. **Pay for ultrasounds** - Pay for ultrasounds that allow the pregnant women to view or not view the fetus during the pre-abortion ultrasound. Of the $4,000 ongoing General Fund appropriated for this purpose, the Department through December 1, 2010 has spent $100.

2. **Produce video and printed materials** – produce materials meeting certain requirements. The Department of Health had already produced materials in the early 90s which were determined to meet the requirements of this law. The finished materials were not re-printed but a link to the materials has been given to abortion providers.

3. **Provide video and printed materials free of charge** – distribute materials free of charge. Of the $3,000 one-time provided to develop and distribute these materials, the Department has spent $0 through December 1, 2010 as discussed above.


5. **Annual report after July 1st** – report annually on the following to the Health and Humans Services Interim Committee after July 1st (It is anticipated that this report will start after July 1, 2011, the first opportunity for a full year of implementation of the new requirements):
   a. the total amount of informed consent material described in this section that was distributed or accessed;
   b. the number of women who obtained abortions in this state without receiving the informed consent materials described in this section;
   c. the number of statements signed by attending physicians under Subsection 76-7-305.6(4); and
   d. any other information pertaining to obtaining informed consent from a woman who seeks an abortion.
HB 200 created two new requirements for medical personnel performing abortions. These two requirements are summarized by the Department of Health as the following:

1. “If an ultrasound is performed on a woman before an abortion is performed, the ultrasound images will be simultaneously displayed in a manner to permit the woman to choose to view the images.

2. During the ultrasound described above, if the woman chooses, shall be given a detailed description of ultrasound images.”

The only facility where pre-abortion ultrasound services are available is the University of Utah’s Obstetrical Diagnostic Center. Department of Health staff met with the director and made them aware of the law’s new requirements.