

**76-7-305.6 Abortion facilities required to provide printed materials and informational video -- Department of Health to make printed materials and informational video available.**

- (1) Except as provided in Subsection 76-7-305.5(7), every facility in which abortions are performed shall provide the printed materials and a viewing or a copy of the video described in Section 76-7-305.5 to each patient or potential patient at least 24 hours before the abortion is performed, unless:
  - (a) the physician can demonstrate by a preponderance of the evidence that the physician reasonably believed that furnishing the information would have resulted in a severely adverse effect on the physical or mental health of the pregnant woman;
  - (b) in the physician's professional judgment, the abortion was necessary to avert:
    - (i) the death of the woman on whom the abortion is performed; or
    - (ii) a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed;
  - (c) the pregnancy was the result of rape or rape of a child, as defined in Sections 76-5-402 and 76-5-402.1;
  - (d) the pregnancy was the result of incest, as defined in Subsection 76-5-406(10) and Section 76-7-102; or
  - (e) at the time of the abortion, the pregnant woman was 14 years of age or younger.
- (2) The Department of Health and each local health department shall make the printed materials and the video described in Section 76-7-305.5 available at no cost to any person.
- (3) The Department of Health shall make the printed materials and the video described in Section 76-7-305.5 available for viewing on the Department of Health's website by clicking on a conspicuous link on the home page of the website.
- (4) If the printed materials or a viewing of the video are not provided to a pregnant woman under Subsection (1), the physician who performs the abortion on the woman shall, within 10 days after the day on which the abortion is performed, provide to the Department of Health an affidavit that:
  - (a) specifies the information that was not provided to the woman; and
  - (b) states the reason that the information was not provided to the woman.

Enacted by Chapter 314, 2010 General Session