

H.B. 222

UNBORN CHILD PAIN PREVENTION ACT

SENATE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 3, 2009 9:54 AM

Senator **D. Chris Buttars** proposes the following amendments:

1. *Page 1, Lines 14 through 19:*

14 performed shall , except when a medical emergency exists and there is not adequate time to comply with
the requirements of this bill, be informed ~~{of any}~~ ;
• that, upon the woman's request, an anesthetic or analgesic ~~{that would}~~ will be
administered to the unborn child, either directly or through the woman, to eliminate or
15 alleviate organic pain to the unborn child ; and
• of any medical risks to the woman associated with the
16 anesthetic or analgesic ~~{, unless:~~
17 ~~— a medical emergency exists; or~~
18 ~~— the abortion is being performed to save the life of the woman or to prevent grave~~
19 ~~damage to her medical health}~~ ;

2. *Page 1, Line 26:*

26 • includes information ~~{, from both sides of the issue,}~~ relating to the ability of an

3. *Page 2, Lines 32 through 36:*

32 anesthetic or analgesic, unless ~~{:~~
33 ~~— } a medical emergency exists; {or}~~ and there is not adequate time to comply
with the requirements of this bill; and
34 ~~{the physician informs the woman that the physician, or the facility at which the~~
35 ~~abortion is to be performed, cannot or does not provide the service of~~
36 ~~administering an anesthetic or analgesic to an unborn child; and}~~

4. *Page 2, Lines 40 through 41:*

40 Other Special Clauses:
41 ~~{None}~~ This bill coordinates with H.B. 90 by providing substantive and technical
amendments.

5. *Page 3, Lines 63 through 64*

House Floor Amendments
2-5-2009:

63 informs the woman ~~{of}~~ :

64 (i) consistent with Subsection (3)(a), of the nature of the proposed abortion procedure or

6. Page 3, Line 68

House Floor Amendments

2-5-2009:

68 (ii) of the probable gestational age and a description of the development of the unborn

7. Page 3, Line 70

House Floor Amendments

2-5-2009:

70 (iii) of the medical risks associated with carrying her child to term; and

8. Page 3, Lines 73 through 75

House Floor Amendments

2-5-2009:

73 (A) ~~{any}~~ that, upon the woman's request, an anesthetic or analgesic ~~{that~~
74 would} will be administered to the unborn child, either directly or through the woman, to eliminate
75 or alleviate organic pain to the

74 unborn child that may be caused by the particular method of abortion to be employed; and

75 (B) of any medical risks ~~to~~ to the woman that are ~~associated with~~

9. Page 4, Line 119 through Page 5, Line 121:

119 (b) The information described in Subsection (2)(a)(iv) may be omitted from the
120 information required to be provided to a pregnant woman under this section if :

121 (i) the abortion is

121 performed for a reason described in Subsection 76-7-302(2)(a) or (d) ~~{-}~~ ; and

(ii) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a)(iv).

10. Page 6, Lines 161 through 165:

161 ~~{(8) A physician is not guilty of violating this section for failure to furnish any of the~~
162 ~~information described in Subsections (2)(a)(i) through (iii) or (2)(b) through (f), if, in the~~
163 ~~physician's professional judgment, the abortion was to prevent the birth of a child who would~~
164 ~~have been born with grave defects.}~~

165 ~~{+}~~ (8) ~~{+}~~ ~~{(9)}~~ A physician who complies with the provisions of this section and
Section

11. Page 8, Line 223

House Floor Amendments

2-5-2009:

223 brochure that contains truthful, nonmisleading information ~~{on both sides of the issue}~~ regarding:

12. Page 8, Lines 232 through 236

House Floor Amendments

2-5-2009:

232 (b) A person or facility is not required to provide the information described in
233 Subsection (2)(a) to a patient or potential patient, ~~{unless}~~ if the abortion is to be performed:
234 (i) on an unborn child who is ~~{at least}~~ less than 20 weeks gestational age at the time of the
235 abortion; ~~{and}~~ or

(ii) on an unborn child who is at least 20 weeks gestational age at the time of the abortion, if:
(A) the abortion is being performed

236 ~~{(ii)}~~ for a reason ~~{other than a reason}~~ described in Subsection 76-7-302(2)(a) or

(d) ~~{-}~~ ; and

(B) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a).

13. Page 9, Line 274 through Page 10, Line 283:

274 A physician who performs an abortion of an unborn child who is at least 20 weeks
275 gestational age shall administer an anesthetic or analgesic to eliminate or alleviate organic pain
276 to the unborn child that may be caused by the particular method of abortion to be employed, if
277 the woman having the abortion consents to the administration of an anesthetic or analgesic to
278 the unborn child, unless ~~{-}~~

279 ~~{(1)}~~ the physician is prevented from administering the anesthetic or analgesic by a
280 medical emergency ~~{; or}~~ .

281 ~~{(2) prior to performing the abortion, the physician informs the woman that the~~
282 ~~physician, or the facility at which the abortion is to be performed, cannot or does not provide~~
283 ~~the service of administering an anesthetic or analgesic to an unborn child.}~~

14. Page 10, Line 288:

After line 288 insert:

"Section 5. Coordinating H.B. 222 with H.B. 90 -- Substantive and technical amendments.

If this H.B. 222 and H.B. 90, Abortion Law Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code

database for publication by modifying:

(1) Subsection 76-7-305(3)(b)(i) to read as follows:

"(i) the abortion is performed for a reason described in Subsection 76-7-302(3)(b)(i); and"; and

(2) Subsection 76-7-305.5(2)(b)(ii)(A) to read as follows:

"(A) the abortion is being performed for a reason described in Subsection 76-7-302(3)(b)(i); and" ."