

336 Current Opinions; and

337 (b) the provisions of this section.

338 (2) Except as provided in Subsection [(9)] (8), consent to an abortion is voluntary and

339 informed only if~~[-(a)]~~, at least 72 hours before the abortion~~[-]~~:

340 (a) a ~~S~~→ **staff member of an abortion clinic or hospital**, ~~S~~← physician, registered nurse,
340a nurse practitioner, advanced practice registered nurse,

341 certified nurse midwife, genetic counselor, ~~S~~→ or ~~S~~← physician's assistant ~~S~~→ [~~or staff member~~
341a **of an abortion**

342 **clinic or hospital**] ~~S~~← presents the information module to the pregnant woman;

343 (b) the pregnant woman views the entire information module and presents evidence

344 ~~H~~→ **to the individual described in Subsection (2)(a)** ~~H~~← that the pregnant woman viewed the
344a entire information module ~~H~~→ [**to the individual described in**

345 **Subsection (2)(a)**] ~~H~~← ;

346 (c) after receiving the evidence described in Subsection (2)(b), the individual described
347 in Subsection (2)(a):

348 (i) ~~H~~→ [~~signs a written statement~~] **documents** ~~H~~← that the pregnant woman viewed
348a the entire information
349 module;

350 (ii) gives the pregnant woman ~~H~~→ , upon her request, ~~H~~← a copy of the
350a ~~H~~→ [~~statement~~] **documentation** ~~H~~← described in Subsection (2)(c)(i):

351 and

352 (iii) provides a copy of the statement described in Subsection (2)(c)(i) to the physician
353 who is to perform the abortion, upon request of that physician or the pregnant woman ~~H~~→ [-] ; ~~H~~←

353a (d) after the pregnant woman views the entire information module, the physician who
355 is to perform the abortion, the referring physician, a physician, a registered nurse, nurse
356 practitioner, advanced practice registered nurse, certified nurse midwife, genetic counselor, or
357 physician's assistant, in a face-to-face consultation in any location in the state, orally informs
358 the woman of:

359 [~~i~~] consistent with Subsection (3)(a), of:

360 [~~A~~] (i) the nature of the proposed abortion procedure;

361 [~~B~~] (ii) specifically how the procedure described in Subsection (2)[~~(a)(i)(A)~~](d)(i)
362 will affect the fetus;

363 [~~C~~] (iii) the risks and alternatives to [~~an~~] the abortion procedure or treatment; [~~and~~]

364 [~~D~~] (iv) the options and consequences of aborting a medication-induced abortion, if
365 the proposed abortion procedure is a medication-induced abortion;

366 [~~ii~~-of] (v) the probable gestational age and a description of the development of the

429 ~~[(b) if the woman chooses not to view the video at a time described in Subsection~~
 430 ~~(4)(a), inform the woman that she can access the video on the Department of Health's website.]~~

431 (vii) the right to view an ultrasound of the unborn child, at no expense to the pregnant
 432 woman, upon her request; and

433 (e) after the pregnant woman views the entire information module, a staff member of
 434 the abortion clinic or hospital provides to the pregnant woman:

435 (i) on a document that the pregnant woman may take home ~~H→ [;] : ←H~~

436 (A) the address for the department's website described in Section 76-7-305.5; and

437 (B) a statement that the woman may request, from a staff member of the abortion clinic
 438 or hospital where the woman viewed the information module, a printed copy of the material on
 439 the department's website; and

440 (ii) a printed copy of the material on the department's website described in Section
 441 76-7-305.5, if requested by the pregnant woman.

442 (3) Before performing an abortion, the physician who is to perform the abortion shall:

443 (a) in a face-to-face consultation, provide the information described in Subsection

444 (2)(d), unless the attending physician or referring physician is the individual who provided the
 445 information required under Subsection (2)(d); and

446 (b) (i) obtain from the pregnant woman a written certification that the information
 447 required to be provided under ~~H→ [Subsections] Subsection ←H (2) and~~

447a ~~H→~~ this Subsection ←H (3) was provided in accordance with the

448 requirements of ~~H→ [Subsections] Subsection ←H (2) and H→ this Subsection ←H (3); and~~

449 (ii) obtain a copy of the statement described in Subsection (2)(c)(i).

450 ~~[(5)] (4)~~ (4) When a serious medical emergency compels the performance of an abortion,

451 the physician shall inform the woman prior to the abortion, if possible, of the medical

452 indications supporting the physician's judgment that an abortion is necessary.

453 ~~[(6)] (5)~~ (5) If an ultrasound is performed on a woman before an abortion is performed, the

454 ~~[person]~~ individual who performs the ultrasound, or another qualified ~~[person]~~ individual,

455 shall:

456 (a) inform the woman that the ultrasound images will be simultaneously displayed in a
 457 manner to permit her to:

458 (i) view the images, if she chooses to view the images; or

459 (ii) not view the images, if she chooses not to view the images;

646 ~~[(i) four weeks from conception;]~~

647 ~~[(ii) six to eight weeks from conception; and]~~

648 ~~[(iii) each month after 10 weeks gestational age, up to 14 weeks gestational age.]~~

649 (6) The department and each local health department shall make the information

650 module and the website described in Subsection (1) available at no cost to any person.

651 (7) The department shall make the website described in Subsection (1) available for
652 viewing on the department's website by clicking on a conspicuous link on the home page of the
653 website.

654 (8) The department shall ensure that the information module is:

655 (a) available to be viewed at all facilities where an abortion may be performed;

656 (b) interactive for the individual viewing the module, including the provision of
657 opportunities to answer questions and manually engage with the module before the module

658 transitions from one substantive section to the next;

659 (c) produced in English and may include subtitles in Spanish or another language; and

660 (d) capable of being viewed on a tablet or other portable device.

661 (9) The department shall present the information module to the Health and Human
662 Services Interim Committee for the committee's review and recommendation before November
663 1, 2018.

664 (10) The department shall release the information module, for the use described in
665 Section 76-7-305, before January 1, ~~§~~→ [2018] 2019 ←~~§~~ .

666 (11) After the department releases the initial version of the information module, for the
667 use described in Section 76-7-305, the department shall:

668 (a) update the information module, as required by law; and

669 (b) present an updated version of the information module to the Health and Human
670 Services Interim Committee for the committee's review and recommendation before releasing
671 the updated version for the use described in Section 76-7-305.

672 Section 10. Section ~~76-7-305.7~~ is amended to read:

673 **76-7-305.7. Statistical report by the Department of Health.**

674 (1) In accordance with Subsection (2), the [~~Department of Health~~] department shall, on
675 an annual basis, after December 31 of each year, compile and report the following information,
676 relating to the preceding calendar year, to the Health and Human Services Interim Committee:

739 (a) specifies the information that was not provided to the woman; and

740 (b) states the reason that the information was not provided to the woman.

741 ~~[(3)]~~ (4) All information supplied to the ~~[Department of Health]~~ department shall be
742 confidential and privileged pursuant to Title 26, Chapter 25, Confidential Information Release.

743 (5) The department shall pursue all administrative and legal remedies when the
744 department determines that a physician or a facility has not complied with the provisions of this
745 part.

746 Section 12. Section **76-7-314** is amended to read:

747 **76-7-314. Violations of abortion laws -- Classifications.**

748 (1) A willful violation of Section 76-7-307, 76-7-308, 76-7-310, 76-7-310.5, 76-7-311,
749 or 76-7-312 is a felony of the third degree.

750 (2) A violation of Section 76-7-326 is a felony of the third degree.

751 (3) A violation of Section 76-7-314.5 is a felony of the second degree.

752 (4) A violation of any other provision of this part, including Subsections

753 76-7-305(2)(a) through (c), and (e) ~~H~~→, ←~~H~~ is a class A misdemeanor.

754 (5) The Department of Health shall report a physician's violation of any provision of
755 this part to the Physicians Licensing Board, described in Section 58-67-201.

756 (6) Any person with knowledge of a physician's violation of any provision of this part
757 may report the violation to the Physicians Licensing Board, described in Section 58-67-201.

758 (7) In addition to the penalties described in this section, the department may take any
759 action described in Section 26-21-11 against an abortion clinic if a violation of this chapter
760 occurs at the abortion clinic.

761 Section 13. **Repealer.**

762 This bill repeals:

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

766 Section 14. **Effective date.**

767 This bill takes effect on May 8, 2018, except that:

768 (1) the amendments to Section 58-67-304 (Effective 07/01/18) take effect on July 1,
769 2018; and