

210 (7) In addition to the criminal penalties described in this part, a physician who violates
211 the provisions of this section:

212 (a) is guilty of unprofessional conduct as defined in Section 58-67-102 or 58-68-102;

213 and

214 (b) shall be subject to:

215 (i) suspension or revocation of the physician's license for the practice of medicine and
216 surgery in accordance with Section 58-67-401 or 58-68-401; and

217 (ii) administrative penalties in accordance with Section 58-67-402 or 58-68-402.

218 (8) In addition to the penalties described in this part, a physician who fails to comply
219 with Subsection (3)(a) is subject to a fine not to exceed \$100,000 for a first offense or
220 \$250,000 for each subsequent offense.

221 [~~8~~] (9) A physician is not guilty of violating this section for failure to furnish any of
222 the information described in Subsection (2) or (3), or for failing to comply with Subsection (5),
223 if:

224 (a) the physician can demonstrate by a preponderance of the evidence that ~~H~~→ :

224a (i) ←~~H~~ the

225 physician reasonably believed that furnishing the information would have resulted in a severely
226 adverse effect on the physical [~~or mental~~] health of the pregnant woman; ~~H~~→ or

226a (ii)(A) a licensed mental health professional determined that furnishing the
226b information would have resulted in a severely adverse effect on the mental health of the
226c pregnant woman;

226d (B) the licensed mental health professional documented the determination described in
226e Subsection (8)(a)(ii)(A); and

226f (C) the documentation described in Subsection (8)(a)(ii)(B) is retained in the pregnant
226g woman's medical record; ←~~H~~

227 (b) in the physician's professional judgment, the abortion was necessary to avert:

228 (i) the death of the woman on whom the abortion is performed; or

229 (ii) a serious risk of substantial and irreversible impairment of a major bodily function
230 of the woman on whom the abortion is performed;

231 (c) the pregnancy was the result of rape or rape of a child, as defined in Sections
232 76-5-402 and 76-5-402.1;

233 (d) the pregnancy was the result of incest, as defined in Subsection 76-5-406(2)(j) and
234 Section 76-7-102; or

235 (e) at the time of the abortion, the pregnant woman was 14 years of age or younger.

236 [~~9~~] (10) A physician who complies with the provisions of this section and Section
237 76-7-304.5 may not be held civilly liable to the physician's patient for failure to obtain
238 informed consent under Section 78B-3-406.☺

239 ☛[(10)] (11) (a) The department shall provide [~~an ultrasound, in accordance with the~~
240 ~~provisions of Subsection (5)(b), at no expense to the pregnant woman.] a low cost option to a~~