

1 HOUSE BILL NO. 140

2 INTRODUCED BY A. REGIER, K. REGIER, F. ANDERSON, M. BINKLEY, P. FIELDER, J. FULLER, S.
3 GALLOWAY, E. HILL, D. LENZ, B. LER, B. MITCHELL, M. NOLAND, M. REGIER, L. SHELDON-GALLOWAY,
4 J. GILLETTE, S. VINTON, D. SKEES, J. HINKLE, L. REKSTEN, B. TSCHIDA

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6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A PREGNANT WOMAN MUST BE AFFORDED
7 THE OPPORTUNITY TO VIEW AN ACTIVE ULTRASOUND AND ULTRASOUND IMAGES AND LISTEN TO
8 THE FETAL HEART TONE OF THE UNBORN CHILD BEFORE UNDERGOING AN ABORTION; PROVIDING
9 EXCEPTIONS; PROVIDING A PENALTY; AND AMENDING SECTION 50-20-105, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. **Section 1. Provision of information -- exceptions -- penalty.** (1) (a) Except as
14 provided in subsection (2), a person performing an abortion on a pregnant woman or that person's agent shall
15 inform the woman of the opportunity to:

- 16 (i) view an active ultrasound of the unborn child;
17 (ii) view an ultrasound image of the unborn child; and
18 (iii) listen to the fetal heart tone of the unborn child, if audible.

19 (b) The quality of the active ultrasound, ultrasound image, and auscultation of the fetal heart tone
20 must be consistent with standard medical practices in the community in which the abortion is being performed.

21 (2) Subsection (1) does not apply to a procedure performed with the intent to:

- 22 (a) save the life of the woman;
23 (b) ameliorate a serious risk of causing the woman substantial and irreversible impairment of a bodily
24 function; or
25 (c) remove an ectopic pregnancy.

26 (3) The person performing the abortion or that person's agent shall obtain the woman's signature on a
27 certification form developed by the department that:

- 28 (a) contains an acknowledgment that the woman was informed of the opportunities provided for in

1 subsection (1); and

2 (b) indicates whether the woman viewed the active ultrasound or ultrasound image or listened to the
3 fetal heart tone.

4 (4) (a) Before an abortion is performed or attempted, the person who is performing or attempting the
5 abortion must receive a copy of the signed certification form provided for in subsection (3).

6 (b) A copy of the certification form must be retained in the woman's medical record.

7 (5) A person who performs or attempts to perform an abortion in violation of this section is subject to a
8 civil penalty of \$1,000.

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10 **Section 2.** Section 50-20-105, MCA, is amended to read:

11 **"50-20-105. Duties of department.** (1) The department shall make regulations to provide for the
12 humane disposition of dead infants or fetuses.

13 (2) The department shall make regulations for a comprehensive system of reporting of maternal
14 deaths and complications within the state resulting directly or indirectly from abortion, subject to the provisions
15 of 50-20-110(5).

16 (3) The department shall report to the attorney general any apparent violation of this chapter.

17 (4) The department shall develop a certification form for use in accordance with [section 1]."

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19 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
20 integral part of Title 50, chapter 20, part 1, and the provisions of Title 50, chapter 20, part 1, apply to [section 1].

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