AN ACT

ENTITLED, An Act to require the Department of Health to place certain information on its website.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Department of Health shall, by January 1, 2004, develop and maintain a multi-media website that contains web pages covering each of the following topics:

(1) Embryonic and fetal development at various gestational stages;

(a) Anatomical and physiological characteristics; and

(b) Survival possibilities of the unborn child;

(2) Abortion methods commonly used for each trimester of pregnancy;

(3) Statistically significant abortion method risks, including infection, hemorrhage, danger to subsequent pregnancies, and infertility;

(4) Important pre-abortion procedures;

(a) Confirmation of pregnancy via sonogram; and

(b) Counseling and discussion of medical history to detect possible abortion risks;

(5) Post-abortion psychological and emotional complications;

(6) Parental notification as required by § 34-23A-7;

(7) Assistance, benefits, and services:

(a) Names and contact information of public and private agencies; and

(b) Types and availability of public medical benefits and services;

(8) Responsibility of the father of the unborn child;

(9) Statistically significant pregnancy risks;

(10) Adoption options:

(a) Names and contact information of public and private agencies; and

(b) Description of services.

The state shall collect and maintain web statistics regarding the website developed and maintained pursuant to this section. However, no personal information may be collected.

Section 2. That § 34-23A-10.1 be amended to read as follows:

34-23A-10.1. No abortion may be performed except with the voluntary and informed consent of the female upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) The female is told the following by the physician who is to perform the abortion or by the referring physician, at least twenty-four hours before the abortion:

(a) The name of the physician who will perform the abortion;

(b) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, danger to subsequent pregnancies, and infertility;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed; and

(d) The medical risks associated with carrying her child to term;

(2) The female is informed, by telephone or in person, by the physician who is to perform the abortion, by the referring physician, or by an agent of either, at least twenty-four hours before the abortion:

(a) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(b) That the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion; and

(c) That she has the right to review the printed materials described in § 34-23A-10.3 and the website described in section 1 of this Act. The physician or the physician's

agent shall orally inform the female that the materials have been provided by the State of South Dakota at no charge to the female. If the female chooses to view the materials, they shall either be given to her at least twenty-four hours before the abortion or mailed to her at least seventy-two hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee;

(3) The female certifies in writing, prior to the abortion, that the information described in subdivisions (1) and (2) of this section has been furnished her, and that she has been informed of her opportunity to review the information described in § 34-23A-10.3; and

(4) Prior to the performance of the abortion, the physician who is to perform the abortion or the physician's agent receives a copy of the written certification prescribed by subdivision (3).

The physician may provide the information prescribed in subdivision (1) by telephone without conducting a physical examination or tests of the patient, in which case the information required to be supplied may be based on facts supplied the physician by the female and whatever other relevant information is reasonably available to the physician.

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I certify that the attached Act originated in the

SENATE as Bill No. 172

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Secretary of the Senate

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President of the Senate

Attest:

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Secretary of the Senate

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Speaker of the House

Attest:

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Chief Clerk

Senate Bill No. 172
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State