

ASSEMBLY BILL NO. 327—ASSEMBLYMEN HANSEN, KRAMER, LEAVITT; EDWARDS, ELLISON, ROBERTS, TOLLES AND WHEELER

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to abortion. (BDR 40-1058)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~fornited material~~ is material to be omitted.

AN ACT relating to abortion; revising the requirements for informed consent to an abortion; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law specifies the medical conditions under which an abortion may be
2 performed in this State. (NRS 442.250) Since NRS 442.250 was submitted to and
3 approved by referendum at the 1990 general election, Section 1 of Article 19 of the
4 Nevada Constitution requires that the provisions of NRS 442.250 must not be
5 amended, annulled, repealed, set aside, suspended or in any way made inoperative
6 except by the direct vote of the people. Existing law also: (1) requires an attending
7 physician or other person meeting the qualifications established by regulation of the
8 Division of Public and Behavioral Health of the Department of Health and Human
9 Services to obtain the informed consent of a pregnant woman before providing an
10 abortion; and (2) prescribes the information that the attending physician or other
11 person is required to provide to the pregnant woman as part of such informed
12 consent. (NRS 442.253) Since the informed consent requirements were not part of
13 the 1990 referendum, these requirements may be amended or repealed by the
14 Legislature without approval in a referendum. (Nev. Const. Art. 1, § 9)

15 This bill revises requirements concerning informed consent. This bill conforms
16 with Section 1 of Article 19 of the Nevada Constitution because this bill does not
17 amend, annul, repeal, set aside, suspend or in any way make inoperative the
18 provisions of NRS 442.250. Instead, this bill serves a different governmental
19 purpose than the provisions of NRS 442.250 and enacts new laws that are separate
20 and complete by themselves and are not amendatory of the provisions of NRS
21 442.250. (*Mathews v. State ex rel. Nev. Tax Comm’n*, 83 Nev. 266, 267-269
22 (1967))

23 This bill adds to the existing requirements concerning informed consent
24 a requirement that the attending physician or other person meeting the



25 qualifications established by regulation provide the pregnant woman with a list of
26 providers of health care, medical facilities and other persons and entities that
27 perform ultrasonography free of charge. Additionally, if the woman undergoes
28 ultrasonography prior to the abortion or the attending physician determines that
29 ultrasonography will be used during the abortion, this bill requires the attending
30 physician or a designee thereof to orally inform the woman that she may view or
31 decline to view a sonogram of the fetus.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 442.253 is hereby amended to read as follows:

2 442.253 1. The attending physician or a person meeting the
3 qualifications established by regulations adopted by the Division
4 shall accurately and in a manner which is reasonably likely to be
5 understood by the pregnant woman:

6 (a) Explain that, in his or her professional judgment, she is
7 pregnant and a copy of her pregnancy test is available to her.

8 (b) Inform her of the number of weeks which have elapsed from
9 the probable time of conception.

10 (c) Explain the physical and emotional implications of having
11 the abortion.

12 (d) Describe the medical procedure to be used, its consequences
13 and the proper procedures for her care after the abortion.

14 *(e) Provide the pregnant woman with a list of providers of*
15 *health care, medical facilities and other persons and entities that*
16 *perform ultrasonography free of charge. The list must be*
17 *organized geographically and include, without limitation, the*
18 *name, address and telephone number of each provider, facility*
19 *and other person or entity.*

20 2. The attending physician shall verify that all material facts
21 and information, which in the professional judgment of the
22 physician are necessary to allow the woman to give her informed
23 consent, have been provided to her and that her consent is informed.

24 3. If the woman does not understand English, the form
25 indicating consent must be written in a language understood by her,
26 or the attending physician shall certify on the form that the
27 information required to be given has been presented in such a
28 manner as to be understandable by her. If an interpreter is used, the
29 interpreter must be named and reference to this use must be made on
30 the form for consent.

31 *4. If the woman undergoes ultrasonography prior to the*
32 *abortion or the attending physician determines that*
33 *ultrasonography will be used during the abortion, the attending*



1 *physician or a designee thereof must orally inform the woman that*
2 *she may view or decline to view a live sonogram of the fetus.*

3 *5. As used in this section:*

4 *(a) "Medical facility" has the meaning ascribed to it in*
5 *NRS 449.0151.*

6 *(b) "Provider of health care" has the meaning ascribed to it in*
7 *NRS 629.031.*

8 **Sec. 2.** This act becomes effective on July 1, 2019.



