

**Amendment No. 4 to HB0077**

**Terry  
Signature of Sponsor**

**AMEND Senate Bill No. 1236**

**House Bill No. 77\***

by deleting the amendatory language of subsection (d) in SECTION 1 and substituting instead the following:

(d)

(1) Except in a medical emergency that prevents compliance with this subsection (d), a physician shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman, unless, prior to the performance or inducement of the abortion, or the attempt to perform or induce the abortion, the physician determines, in the physician's good faith medical judgment, that the pregnancy is not viable.

(2)

(A) The general assembly recognizes that, depending on the gestational age of the pregnancy, it is standard medical practice for a provider to perform an ultrasound during the evaluation of a patient in consideration of an abortion.

(B) If an ultrasound is performed in the performance of a medical evaluation prior to or in consideration of a surgical or invasive intrauterine abortion procedure, then the physician shall determine and document the presence or absence of a fetal heartbeat. If an intrauterine fetal heartbeat is present, then it is established that the heartbeat belongs to a person with all of the legal rights and privileges of personhood.

(3) If a physician does not use an ultrasound to make the determination under subdivision (d)(1), then the physician shall use a test that is consistent with

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the physician's good faith understanding of standard medical practice and is appropriate for the estimated gestational age of the unborn child and the condition of the pregnant woman and the woman's pregnancy. The physician shall determine and document the presence or absence of a fetal heartbeat. If an intrauterine fetal heartbeat is present, then it is established that the heartbeat belongs to a person with all of the legal rights and privileges of personhood.