

House Bill 3193

Sponsored by Representative RESCHKE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits abortion unless health care provider first performs ultrasound on pregnant person, except in case of medical emergency. Creates civil penalty for violation of ultrasound requirement. Directs authority to deposit penalties assessed into Oregon Student Assistance Fund for purposes of providing scholarships to foster children.

A BILL FOR AN ACT

1
2 Relating to prerequisites to performing abortions; creating new provisions; and amending ORS
3 659.880.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 4 of this 2023 Act:

6 (1) **"Abortion" means the use or prescription of any instrument, medicine, drug or any
7 other substance or device to terminate the pregnancy of a person known to be pregnant, if
8 the intention is other than to increase the probability of a live birth, to preserve the life or
9 health of the child after live birth or to remove a dead unborn child who died as the result
10 of natural causes in utero, accidental trauma or a criminal assault on the pregnant person
11 or the unborn child, and that use or prescription causes the premature termination of the
12 pregnancy.**

13 (2) **"Attempt to perform or induce an abortion" means an act, or an omission of a
14 statutorily required act, that, under the circumstances as the actor believes them to be,
15 constitutes a substantial step in a course of conduct planned to culminate in the perform-
16 ance or induction of an abortion.**

17 (3) **"Fertilization" means the fusion of a human spermatozoon with a human ovum.**

18 (4) **"Health care provider" means:**

19 (a) **A physician licensed under ORS chapter 677;**

20 (b) **A physician assistant licensed under ORS 677.505 to 677.525; and**

21 (c) **A nurse practitioner licensed under ORS 678.375 to 678.390.**

22 (5) **"Unborn child" means an individual organism of the species Homo sapiens from
23 fertilization until live birth.**

24 **SECTION 2. (1) A pregnant person's condition is a medical emergency for purposes of
25 section 3 of this 2023 Act if, in the professional judgment of the health care provider:**

26 (a) **Failure to immediately terminate the pregnancy is reasonably likely to result in the
27 pregnant person's death; or**

28 (b) **The delay necessary to comply with the requirements under section 3 of this 2023 Act
29 is reasonably likely to create a serious risk of substantial and irreversible physical impair-
30 ment of one or more of the pregnant person's major bodily functions, not including psycho-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 logical or emotional functions.

2 (2) A pregnant person's likelihood to engage in conduct that will result in the pregnant
3 person's death or in substantial and irreversible physical impairment of a major bodily
4 function is not a medical emergency for purposes of section 3 of this 2023 Act.

5 **SECTION 3.** (1) Except in the case of a medical emergency that prevents compliance with
6 this section, a person may not perform or induce, or attempt to perform or induce, an
7 abortion unless a health care provider has performed an ultrasound on the pregnant person,
8 consistent with subsection (2) of this section.

9 (2) An ultrasound performed under this section must be performed:

10 (a) No fewer than 72 hours prior to the performance or inducement of the abortion;

11 (b) While the pregnant person is awake; and

12 (c) In a manner that permits the pregnant person for a minimum of 20 seconds to hear
13 the unborn child's heartbeat, if any, and view the image of the ultrasound.

14 **SECTION 4.** (1) In addition to any other liability or penalty provided by law, the Director
15 of the Oregon Health Authority shall impose a civil penalty in the amount of not less than
16 \$10,000 per violation on a person who fails to comply with the requirements of section 3 of
17 this 2023 Act before performing or inducing, or attempting to perform or induce, an abortion.

18 (2) The authority shall deposit civil penalties assessed under this section into the Oregon
19 Student Assistance Fund established under ORS 348.570, for the purpose of providing schol-
20 arships under ORS 348.272 to current and former foster children.

21 **SECTION 5.** Civil penalties under section 4 of this 2023 Act shall be imposed in the
22 manner provided by ORS 183.745.

23 **SECTION 6.** ORS 659.880 is amended to read:

24 659.880. A public body as defined in ORS 174.109 or, except as provided in ORS 435.225 and
25 section 3 of this 2023 Act, an officer, employee or agent of a public body may not:

26 (1) Deprive a consenting individual of the choice of terminating the individual's pregnancy;

27 (2) Interfere with or restrict, in the regulation or provision of benefits, facilities, services or
28 information, the choice of a consenting individual to terminate the individual's pregnancy;

29 (3) Prohibit a health care provider, who is acting within the scope of the health care provider's
30 license, from terminating or assisting in the termination of a patient's pregnancy; or

31 (4) Interfere with or restrict, in the regulation or provision of benefits, facilities, services or
32 information, the choice of a health care provider, who is acting within the scope of the health care
33 provider's license, to terminate or assist in the termination of a patient's pregnancy.

34 **SECTION 7.** Sections 1 to 5 of this 2023 Act and the amendments to ORS 659.880 by sec-
35 tion 6 of this 2023 Act apply to abortions that are performed or induced, or attempted to be
36 performed or induced, on or after the effective date of this 2023 Act.

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