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HOUSE BILL NO. 1182

Offered January 10, 2018

Prefiled January 10, 2018

A *BILL to amend the Code of Virginia by adding in Article 4 of Chapter 3 of Title 32.1 a section numbered 32.1-92.3 and in Article 6 of Chapter 29 of Title 54.1 a section numbered 54.1-2973.2, relating to perinatal hospice and palliative care; notice.*

Patrons—LaRock, Freitas, Campbell, Collins, Davis, Fariss, Fowler, Garrett, Helsel, Ingram, McGuire, Pogge, Webert, Wilt and Wright; Senators: Black and Dunnavant

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 3 of Title 32.1 a section numbered 32.1-92.3 and in Article 6 of Chapter 29 of Title 54.1 a section numbered 54.1-2973.2 as follows:

§ 32.1-92.3. Information about perinatal hospice services.

A. The Department shall make available, on a website maintained by the Department, information about public and private agencies providing perinatal hospice and palliative care services, including the types of services and the contact information for the providers of such services, to a pregnant woman in cases in which the fetus is diagnosed with a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth and a child is born with a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life. Such website shall (i) use enhanced, user-friendly search capabilities to ensure that information required by this section is easily accessible and shall be searchable by keywords and phrases, specifically to ensure that the information required pursuant to this section results from a search using the terms "abortion" and "fetal anomaly"; (ii) provide the information required in a format that is printable; (iii) give clear and prominent instructions regarding how to receive the information in printed format; and (iv) be accessible to the public without requiring registration or use of a user name, password, or other user identification.

B. Information required to be included on the website described in subsection A shall also be made available in writing, free of cost, to the public and shall be provided to a pregnant woman following diagnosis of the fetus with a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth in accordance with the requirements of § 54.1-2973.2.

C. The Department shall prepare and make available to health care providers a form on which the information required pursuant to subsection C of § 54.1-2973.2 shall be reported.

D. The Department shall aggregate information required to be provided pursuant to subsection C of § 54.1-2973.2 by year and shall make such information available on the website described in subsection A by July 1 of each year. The Department shall continue to provide access to statistics for previous years on such website.

§ 54.1-2973.2. Information regarding perinatal hospice and palliative care.

A. In every case in which a health care provider licensed pursuant to this chapter diagnoses a fetus with a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth, such health care provider shall provide the pregnant woman with geographically indexed materials prepared by the Department of Health that are designed to inform the woman of public and private agencies providing perinatal hospice and palliative care services available to the woman if she chooses to continue the pregnancy. The materials shall include a comprehensive list of the services available and contact information for providers of such services. At the option of the Department of Health, such printed materials may include a toll-free, 24-hour-a-day telephone number that may be called to obtain, orally, such a list and a description of the agencies in the locality of the caller and of the services they offer.

B. The provisions of subsection A shall not apply in cases in which an abortion is performed on the woman immediately following such diagnosis to avert death or substantial and irreversible impairment of a major bodily function of the woman.

C. Every health care provider who provides information pursuant to subsection A shall report annually, by January 31 of each year, to the Department of Health on a form provided by the Department of Health, (i) the number of women to whom such information was provided; (ii) the number of women to whom such information was provided as part of a referral for abortion, including the number of such women to whom such information was provided in person and the number to whom

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HB1182

58 *such information was provided by telephone, and the number of women to whom such information was*
59 *provided by the physician by whom the abortion would be provided, including the number of such*
60 *women to whom such information was provided in person and the number to whom such information*
61 *was provided by telephone; (iii) the number of women who sought and received printed information*
62 *regarding perinatal hospice and palliative care services, including the number of women on whom an*
63 *abortion was subsequently performed; and (iv) the number of cases in which the information required*
64 *by subsection A was not provided to the woman due to the need to perform the abortion immediately to*
65 *avert death or substantial and irreversible impairment of a major bodily function of the woman.*

66 *D. Any health care provider who fails to provide the information required pursuant to subsection A,*
67 *other than in cases described in subsection B, or to make the report required pursuant to subsection C*
68 *shall be subject to a \$2,500 civil penalty, to be paid into the Literary Fund.*