



512 10th Street, NW Washington, DC 20004-1401
(202) 626-8800 FAX: (202) 737-9189 Website: www.nrlc.org

ULTRASOUND LAWS

January, 2013

Following, are the 24 states that have some type of Ultrasound Viewing Law.

Four states require that an ultrasound be performed prior to an abortion. The screen be displayed so the mother can view it and a description of the image of the unborn child must be given. They are Louisiana, North Carolina*, Oklahoma**, and Texas.

Six states require that an ultrasound be performed and that the mother be offered the opportunity to view the ultrasound. They are Alabama, Arizona, Florida, Kansas, Mississippi and Virginia.

Nine states require that the mother be provided with an opportunity to view an ultrasound if ultrasound is used as part of the abortion process. They are Arkansas, Georgia, Idaho, Michigan, Nebraska, Ohio, South Carolina, Utah and West Virginia.

Five states require that the mother be provided with the opportunity to view an ultrasound. They are Indiana, Missouri, North Dakota, South Dakota and Utah.

*The North Carolina law is temporarily enjoined pending litigation in the federal district court.

**The Oklahoma law has been declared unconstitutional in the state Supreme Court, but is on appeal to the U.S. Supreme Court.

WOMAN'S RIGHT TO KNOW: STATES THAT OFFER ULTRASOUND OPTION

January 24, 2013

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
ALABAMA ¹ Ala. Code § 26-23A-4 (4);(5)	- Ultrasound must be performed. - Offer to view.	2002	Pregnant mother has right to view ultrasound, the law also requires abortion facilities and clinics that refer for abortions to have ultrasound equipment.
ARIZONA A.R.S § 36-2156 (A)(1)	- Ultrasound and auscultation of fetal heart tone must be performed twenty-four hours before. - Offer to view & provide copy	2011	-An ultrasound must be used for all patients who elect to have an abortion. Mother offered an opportunity to view the

¹ Attorney General has entered a consent agreement declaring Ala. Code § 26-23A-4 (LexisNexis 2007) is subject to medical emergency exception which includes psychological harm. *Summit Med. Ctr. of Ala., Inc. v. Riley*, No. 02-A-1064-N (M.D. Ala. June 25, 2004) (order granting permanent injunction).

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
A.R.S. § 36-449.03 (D)(4)	of picture.	1999*	ultrasound and hear the heartbeat. -An ultrasound must be used for all patients who elect to have an abortion after 12 weeks gestation. The mother must request to view the ultrasound if it is to be shown to her. Then it shall be reviewed with her.
ARKANSAS Ark. Stat. Ann § 20-16-602	- Applies only to facilities that use ultrasound equipment. - Offer to view.	2003	Abortion facilities that use ultrasound equipment shall inform the pregnant woman she has the option of viewing the ultrasound.
FLORIDA Fla. Stat. Ann. §390.0111(3)(I) to390.0111(3)(IV)	- Ultrasound must be performed. - Offer to view.	2011	An ultrasound must be used to verify the probable gestational age of the unborn child. The abortionist must offer the pregnant mother the opportunity to view the live ultrasound image of her unborn child; however, if the mother is a victim of rape, incest, domestic violence or human trafficking no offer to view shall be made.
GEORGIA Ga. Code Ann. § 31-9A-3(4) Ga. Code Ann. §31-9A-3(2)(C)	- Applies only to facilities that use ultrasound and auscultation of fetal heart tone equipment. - Offer to view. - Is given information regarding resources that provide free ultrasounds.	2007	In all cases where ultrasounds are performed before an abortion the pregnant mother shall be offered a chance to view the ultrasound and hear the heartbeat. Pregnant mother is told before an abortion of ultrasound services and how to obtain them at no cost.
IDAHO Idaho Code § 18-609 (3)	- Applies only to facilities that use ultrasound equipment. - Offer to view & provide copy of picture. - Is given information regarding resources that provide free ultrasounds.	2007	Abortion facilities that use ultrasound equipment shall inform the pregnant woman she has the option of viewing the ultrasound and obtaining a picture of her unborn baby.

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
<p>INDIANA Ind. Code Ann. § 16-34-2-1.1 (I)</p>	<ul style="list-style-type: none"> -Ultrasound must be offered. -Must be informed of how to obtain ultrasound imaging and fetal heart tone services. -Mother shall view and hear fetal heartbeat unless she declines in writing. 	<p>2005</p> <p>2011</p>	<p>-Pregnant mother is told before an abortion of ultrasound and fetal heart tone services and how to obtain them.</p> <p>-At least 18 hours before an abortion the abortionist shall offer the pregnant mother a chance to view an ultrasound and hear the heartbeat.</p>
<p><i>KANSAS</i> K.S.A. § 65-4a09 (2011) <i>Temporarily enjoined in Hodes & Nauser, MDs, P.A. et al v. Moser et al, No. 11-C-1298, (Dist. Ct. of Shawnee Cnty. Kan., Div. 7).</i></p> <p>Kansas K.S.A §65-6709 (h),(i),(j) (2011)</p>	<p><i>- Ultrasound must be performed.</i> <i>-Mother must request to view.</i></p> <p>- Applies only to facilities that use ultrasound and auscultation of fetal heart tone equipment.</p> <p>- Offer to view & provide copy of picture.</p> <p>- Is given information regarding resources that provide free ultrasounds.</p>	<p>2011</p> <p>2009</p>	<p><i>Requirement for all abortion facilities to have ultrasound equipment. An ultrasound will be performed on every mother. Also, upon request of the mother an abortionist or technician shall review the ultrasound evaluation with her.</i></p> <p>If an ultrasound is used prior to the performance of an abortion the abortionist informs the mother of her right to view the ultrasound and obtain a copy of the picture of her unborn child at no additional expense to her. Mother is also told of her right to hear the heart tone of her unborn baby.</p>
<p>LOUISIANA² La. Rev. Stat. §40:1299.35.2 (D)</p>	<ul style="list-style-type: none"> - Ultrasound must be performed. - Shall display the screen & make audible the fetal heartbeat. - Offer to provide copy of picture. - Is given information regarding resources that provide free ultrasounds. 	<p>2012</p>	<p>-Twenty-four hours prior to performing an abortion the abortionist must display the ultrasound image so that the mother might view it. Mother can avert her eyes. Mother is offered an explanation and a print out of a picture of her unborn child.</p>

² The enactment of the 2010 law removed the 20 week gestation provision.

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
<p>La. Rev. Stat. §40:1299.35.6 (B)(1)(h)</p> <p>La. Rev. Stat. §40:1299.35.2 (C)</p>		<p>2007</p> <p>1999</p>	<p>-Abortionist shall inform the pregnant mother of her option to review and receive an explanation of an obstetric ultrasound image of the unborn child.</p> <p>-The abortionist shall inform the pregnant mother that she has the option of viewing an ultrasound of her unborn child of twenty weeks gestation or more.</p>
<p>MICHIGAN M.C.L.A. §333.17015 (8)</p>	<ul style="list-style-type: none"> - Applies only to facilities that use ultrasound. - Offer to view & provide copy of picture. - Is given information regarding resources that provide free ultrasounds. 	<p>2006</p>	<p>If an ultrasound is performed on the pregnant mother the abortion facility shall inform her of the option of viewing the ultrasound and obtaining a picture of her unborn baby. Prior to an abortion she is informed of places that offer free ultrasounds.</p>
<p>MISSISSIPPI Miss. Code § 41-41-34</p>	<ul style="list-style-type: none"> - Ultrasound and auscultation of fetal heart tone must be performed. - Offer to view and hear heart tone & provide copy of picture. 	<p>2007</p>	<p>Before an abortion is performed, an ultrasound shall be performed on the pregnant woman and the abortion facility shall inform her of the option to view the ultrasound, and hear the heart tone and obtain a picture of her unborn child.</p>
<p>MISSOURI Mo. Rev. Stat. § 188.027 (4)</p>	<ul style="list-style-type: none"> -Ultrasound must be offered. - Offer to view and hear fetal heart tone. - Is given information regarding resources that provide free ultrasounds. 	<p>2010</p>	<p>Twenty-four hours prior to an abortion the abortionist shall provide the pregnant mother an opportunity to view an active ultrasound and hear the heartbeat of her unborn child. The department of health shall also maintain a list and provide it to pregnant mothers of all facilities which provide ultrasound services including those which are free of charge.</p>

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
NEBRASKA Neb. Rev. Stat. §28-327 (2)(e); (3)	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. - Shall display the screen. - Is given information regarding resources that provide free ultrasounds. 	2009	If an ultrasound is performed prior to an abortion the abortionist shall simultaneously display the images so that the pregnant mother may choose to view or not to view them. She is told before an abortion of ultrasound services and where to obtain them at no cost.
<i>NORTH CAROLINA</i> <i>N.C. Gen. Stat. §90-21-85</i> <i>Enjoined, pending litigation in</i> <i>Stuart v. Huff, 834 F. Supp. 2d 424, 2011 U.S. Dist. LEXIS 123244 (M.D.N.C. 2011)</i>	<ul style="list-style-type: none"> - <i>Ultrasound and auscultation of fetal heart tone must be performed.</i> - <i>Shall display the screen and make fetal heart tone audible.</i> - <i>Is given information regarding resources that provide free ultrasounds.</i> 	2011	<i>At least four hours prior to performing an abortion the abortionist must display the ultrasound image so that the mother might view it. Mother can avert her eyes.</i>
NORTH DAKOTA N.D. Cent. Code § 14-02.1-04 (4) § 14-02.1-07.1 (a)	<ul style="list-style-type: none"> -Ultrasound must be offered. -If performed, it must be twenty-four hours prior to abortion. -Offer to view & hear fetal heart tone. 	2009	Twenty-four hours before an abortion the abortionist must offer the pregnant mother an opportunity to receive and view her own active ultrasound. The abortion facilities must keep records for reporting reasons.
OHIO Ohio Rev. Code Ann. §2317.561	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. - Offer to view & provide copy of picture. 	2008	If an ultrasound is used prior to the performance of an abortion the abortionist shall provide the mother the opportunity to view the active ultrasound and offer to provide her with a physical picture and shall not require any additional charges.

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
<p><i>OKLAHOMA</i> §63-1-738.3d <i>Permanently enjoined on Dec. 4, 2012. The state has filed a petition for certiorari with the United States Supreme Court. Nova Health Sys. v. Pruit, 2012 OK 103 (Okla. 2012).</i></p> <p>§63-1-738.2 (B)(1)(a)(5)</p>	<p>- <i>Ultrasound must be performed.</i> - <i>Shall display the screen.</i></p> <p>-Ultrasound must be offered. -Offer to view & hear fetal heart tone. - Is given information regarding resources that provide free ultrasounds.</p>	<p>2010</p> <p>2006</p>	<p>-<i>At least 1 hour prior to performing an abortion the abortionist must display the ultrasound image so that the mother might view it. Mother can avert her eyes.</i></p> <p>-Pregnant mother is told before an abortion of ultrasound and fetal heart tone services and how to obtain them at no cost.</p>
<p>SOUTH CAROLINA S.C. Code Ann. §§ 44-41-330, 340(6)</p> <p>S.C. Code Regs. 61-12 § 301 (C)(2)</p>	<p>- Applies only if facilities use ultrasound. - Offer to view. - Is given information regarding resources that provide free ultrasounds.</p>	<p>2008</p> <p>1996</p>	<p>-If an ultrasound is performed the abortionist must inform the pregnant mother of her right to view an ultrasound during or after the ultrasound is performed. No abortion may be performed sooner than 60 minutes after an ultrasound. The woman must certify in writing that she has been informed of her right to view the ultrasound. -Abortion Clinic Regulations require the abortionist to perform an ultrasound when gestational age is unknown or is estimated to be 14 weeks or older.</p>
<p>SOUTH DAKOTA S.D. Codified Laws § 34-23A-52</p>	<p>-Ultrasound must be offered. -Offer to view.</p>	<p>2008</p>	<p>Pregnant mother is offered chance to view sonogram of her unborn child before an abortion is performed, also reports the number of women who viewed sonogram.</p>

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
<p>TEXAS*</p> <p>TX Code Health & Safety §171.012(a)(1) through (3)</p> <p>Upheld in: <i>Tex. Med. Providers Performing Abortion Servs. v. Lakey</i>, 2012 U.S. Dist. LEXIS 14721 (W.D. Tex. Feb. 6, 2012)</p>	<ul style="list-style-type: none"> - Ultrasound must be performed. - Shall display the screen & hear fetal heart tone. - Is given information regarding resources that provide free ultrasounds. 	2011	<p>Prior to performing an abortion the abortionist must display the ultrasound image so that the mother might view it. Mother can avert her eyes. Pregnant mother is told before an abortion of sonogram services and how to obtain them at no cost.</p>
<p>UTAH</p> <p>Utah Code Ann. § 76-7-305</p> <p>Utah Code Ann. § 76-7-305.5</p>	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound, then ultrasound must be offered. - Shall display the screen if the mother chooses to view. 	2010	<p>If an ultrasound is performed prior to the performance of an abortion the abortionist shall inform the pregnant mother that the ultrasound images will be simultaneously displayed so that the pregnant mother may view the images, if she chooses to view the images or not view the images, if she chooses not to view the images.</p>
<p>VIRGINIA**</p> <p>§ 18.2-76 (B) (C)</p>	<ul style="list-style-type: none"> - Ultrasound must be performed. -Offer to view& hear fetal heart tone. -Limitations: rape, incest and reported to authorities. - Is given information regarding resources that provide free ultrasounds. 	2012	<p>Twenty-four hours before an abortion is performed, the abortionist shall perform a transabdominal ultrasound on the pregnant mother and verbally offer her an opportunity to view the ultrasound and hear the heart tone of her unborn child.</p>
<p>WEST VIRGINIA</p> <p>§16-2I-2 (c)</p>	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. -Offer to view. 	2010	<p>Whenever ultrasound imaging is utilized prior to an elective abortion, the abortionist shall, at least one hour before the procedure, inform the pregnant mother of the ultrasound imaging and offer the mother the opportunity to view or decline to view the ultrasound images.</p>

STATE	WHAT THE LAW DOES	YEAR ENACTED	DESCRIPTION
WISCONSIN ³ Wis. Stat. Ann. §253.10(3)(c)1(g)	-Must be informed that ultrasound and fetal heart tone services are available and be told how to obtain them.	1998	Pregnant mother is told before an abortion of ultrasound and fetal heart tone services and how to obtain them.

- * **Texas allows for the pregnant mother to waive the 24 hour reflection period if she lives 100 miles or more from the abortion facility.**
- ** **Virginia allows for a 2 hour reflection period if the pregnant mother lives 100 miles or more from the abortion facility.**

TOTAL: 24 STATE LAWS

³ Upheld Karlin v. Foust, 188 F.3d 446; 1999 U.S. App. LEXIS 18409, on August 9, 1999.