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HOUSE BILL NO. 542

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact § 18.2-76 of the Code of Virginia, relating to provision of abortion; informed written consent; newborn safety devices.

 Patron—Hamilton

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-76 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-76. Informed written consent required.**

A. Before performing any abortion or inducing any miscarriage or terminating a pregnancy as provided in § 18.2-72, 18.2-73, or 18.2-74, the physician or, if such abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the advanced practice registered nurse authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination shall obtain the informed written consent of the pregnant woman *after providing certain information specified by subsection B*. However, if the woman has been adjudicated incapacitated by any court of competent jurisdiction or if the physician or, if the abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the advanced practice registered nurse authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination knows or has good reason to believe that such woman is incapacitated as adjudicated by a court of competent jurisdiction, then only after permission is given in writing by a parent, guardian, committee, or other person standing in loco parentis to the woman, may the physician or, if the abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the advanced practice registered nurse authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination perform the abortion or otherwise terminate the pregnancy.

B. *Information relating to newborn safety devices located at and operated by hospitals or emergency medical services agencies shall be provided in writing to the woman or, if applicable, to a parent, guardian, committee, or other person standing in loco parentis to the woman, before the abortion by the physician or, if such abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the advanced practice registered nurse authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination to effectuate the informed written consent required by subsection A.*

On or before October 1, 2026, the Department of Health shall publish, in English and in each language that is the primary language of two percent or more of the population of the Commonwealth, the following information relating to newborn safety devices in such a way as to ensure that the information is easily comprehensible: (i) the names and addresses of such newborn safety devices in the Commonwealth, (ii) the process of utilizing such newborn safety devices, and (iii) the legal protections afforded to individuals using such newborn safety devices.

In providing such publication, the physician or, if such abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the advanced practice registered nurse authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination shall discuss with the pregnant woman or, if applicable, with a parent, guardian, committee, or other person standing in loco parentis to the woman, the newborn safety devices located within 60 miles of such woman's address and shall obtain written verification from the woman that such information was discussed.

The Department of Health shall make these materials available at each local health department and, upon request, to any person or entity, in reasonable numbers and without cost to the requesting party.

INTRODUCED

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