

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

HOUSE BILL NO. 542
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Health and Human Services
on _____)
(Patron Prior to Substitute—Delegate Hamilton)

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

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; newborn safe haven provisions.

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 in 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 safe haven provisions 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, information

33 *relating to safe haven provisions in such a way as to ensure that the information is easily comprehensible.*

34 *In providing such publication, the physician or, if such abortion, induction, or termination is to be*
35 *performed pursuant to § 18.2-72, either the physician or the advanced practice registered nurse authorized*
36 *pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination shall discuss with the*
37 *pregnant woman or, if applicable, with a parent, guardian, committee, or other person standing in loco*
38 *parentis to the woman, the safe haven provisions and shall obtain written verification from the woman that*
39 *such information was discussed.*

40 *The Department of Health shall make the materials it publishes pursuant to this subsection available at*
41 *each local health department and, upon request, to any person or entity, in reasonable numbers and without*
42 *cost to the requesting party.*

43 *For the purposes of this subsection, "safe haven provisions" means the provisions of §§ 18.2-371,*
44 *18.2-371.1, and 40.1-103 that provide an affirmative defense to prosecution for child abuse and neglect or a*
45 *related crime if a parent safely delivers the child to certain locations within the first 30 days of the child's*
46 *life.*