

AMENDED IN SENATE MAY 18, 2004
AMENDED IN ASSEMBLY MARCH 24, 2004
AMENDED IN ASSEMBLY MARCH 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2049

Introduced by Assembly Member Nakanishi

February 17, 2004

An act to add Article 4.5 (commencing with Section 123620) to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, relating to maternal and child health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2049, as amended, Nakanishi. Fetal ultrasound.

Under existing law, the State Department of Health Services is required to maintain a program of maternal and child health, which is administered by the department's Maternal and Child Health Branch. Under existing law, the maternal and child health program includes, among other subjects, pregnancy testing, perinatal health care, and nutrition.

This bill would require a person or facility that offers fetal ultrasound, or a similar procedure, for keepsake or entertainment purposes, ~~without a physician's prescription,~~ to make a written disclosure to a client prior to performing the procedure, that the federal Food and Drug Administration does not approve the use of ultrasound equipment for these purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The federal Food and Drug Administration (FDA) defines
4 ultrasound imaging as a diagnostic medical procedure that uses
5 high frequency sound waves to produce diagnostic images, or
6 sonograms, of organs, tissues, or blood flow inside the body.

7 (b) Ultrasound imaging has numerous legitimate uses,
8 including all of the following:

- 9 (1) Diagnosing pregnancy.
- 10 (2) Determining fetal age.
- 11 (3) Diagnosing congenital abnormalities.
- 12 (4) Evaluating position of the placenta.
- 13 (5) Determining multiple pregnancies.

14 (c) Facilities for performing fetal ultrasound for the purpose of
15 providing parents with “keepsake videos,” using the latest
16 ultrasound technology to produce high-resolution images of
17 babies developing in the womb, are gaining nationwide popularity.
18 At these facilities, ultrasounds may be performed by untrained and
19 unlicensed technicians, often without a doctor’s prescription. In
20 addition, women are sometimes exposed to the ultrasound for
21 longer than the time specified by the FDA for fetal monitoring.

22 (d) The FDA has disapproved the promotion, sale, or lease of
23 ultrasound equipment for making “keepsake” fetal videos. This
24 practice is also discouraged by the American Institute of
25 Ultrasound in Medicine.

26 SEC. 2. Article 4.5 (commencing with Section 123620) is
27 added to Chapter 2 of Part 2 of Division 106 of the Health and
28 Safety Code, to read:

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31

Article 45. Fetal Ultrasound

32 123620. A person or facility that offers fetal ultrasound, or a
33 similar procedure, for keepsake or entertainment purposes,
34 ~~without a physician’s prescription,~~ shall disclose to a client prior
35 to performing the procedure, in writing, the following statement:
36 “The federal Food and Drug Administration has determined that
37 the use of medical ultrasound equipment for other than medical



1 purposes, or without a physician's prescription, is an unapproved
2 use.”

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