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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 106. PERSONAL HEALTH CARE (INCLUDING MATERNAL, CHILD, AND ADOLESCENT) [123100 - 125850]** ( *Division 106 added by Stats. 1995, Ch. 415, Sec. 8. )*

**PART 2. MATERNAL, CHILD, AND ADOLESCENT HEALTH [123225 - 124250]** ( *Part 2 added by Stats. 1995, Ch. 415, Sec. 8. )*

**CHAPTER 2. Maternal Health [123375 - 123643]** ( *Chapter 2 added by Stats. 1995, Ch. 415, Sec. 8. )*

**ARTICLE 4.5. Fetal Ultrasound [123620 - 123622]** ( *Heading of Article 4.5 renumbered from Article 45 by Stats. 2005, Ch. 22, Sec. 136. )*

**123620.** A person or facility that offers fetal ultrasound, or a similar procedure, for keepsake or entertainment purposes, shall disclose to a client prior to performing the procedure, in writing, the following statement: "The federal Food and Drug Administration has determined that the use of medical ultrasound equipment for other than medical purposes, or without a physician's prescription, is an unapproved use."

(*Added by Stats. 2004, Ch. 78, Sec. 2. Effective January 1, 2005.*)

**123621.** (a) An ultrasound, or a similar medical imaging device or procedure used for a medical, counseling, or diagnostic service or purpose, shall only be offered in the following settings:

- (1) A licensed clinic, as described in Chapter 1 (commencing with Section 1200) of Division 2.
- (2) An outpatient setting, as described in Chapter 1.3 (commencing with Section 1248) of Division 2.
- (3) A licensed health facility, as described in Chapter 2 (commencing with Section 1250) of Division 2.
- (4) A practice of a licensed physician or surgeon, a medical group practice, including a professional medical corporation, as defined in Section 2406 of the Business and Professions Code, another form of corporation controlled by physicians and surgeons, a medical partnership, a medical foundation exempt from licensure, or another lawfully organized group of physicians and surgeons that provides health care services.
- (5) A practice of a licensed chiropractor, as described in Chapter 2 (commencing with Section 1000) of Division 2 of the Business and Professions Code, or a lawfully organized group of licensed chiropractors that provides health care services.
- (6) A practice of a licensed physical therapist, as described in Chapter 5.7 (commencing with Section 2600) of Division 2 of the Business and Professions Code, or a lawfully organized group of licensed physical therapists that provides health care services.
- (7) A facility affiliated with those settings.
- (8) An exempt entity as described in Section 1206.

(b) This section does not apply to a practice of a licensed midwife providing care pursuant to Article 24 (commencing with Section 2505) of Chapter 5 of Division 2 of the Business and Professions Code, or a practice of a certified nurse-midwife providing care pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code.

(*Added by Stats. 2023, Ch. 259, Sec. 1. (AB 1720) Effective January 1, 2024.*)

**123622.** (a) Any person or entity that fails to comply with the requirements of Section 123621 is liable for a civil penalty of two thousand five hundred dollars (\$2,500) for a first offense and five thousand dollars (\$5,000) for each subsequent offense. The

Attorney General, a district attorney, a city attorney, or a county counsel may bring an action to impose a civil penalty pursuant to this section. For purposes of this subdivision, an offense is each ultrasound conducted in violation of Section 123621.

(b) Any person or entity that violates this section is liable for any costs, fees, and civil penalties. Costs, fees, and civil penalties collected pursuant to this section shall be paid to the office that brought the action as follows:

- (1) To the Office of the Attorney General.
- (2) To the treasurer of the city for the city attorney.
- (3) To the treasurer of the county for the district attorney.
- (4) To the treasurer of the county for the county counsel.

*(Added by Stats. 2023, Ch. 259, Sec. 2. (AB 1720) Effective January 1, 2024.)*