

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 25

H.P. 28

House of Representatives, January 6, 2005

An Act To Educate Women on the Medical Risks Associated with Abortion

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUPREY of Hampden.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Representatives: CRESSEY of Baldwin, HALL of Holden, HAMPER of Oxford, JOY of
Crystal, SHERMAN of Hodgdon, THOMAS of Ripley.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 22 MRSA §1599-A, sub-§2**, as enacted by PL 1993, c. 61,
§4, is amended to read:

6 **2. Informed consent.** To ensure that the consent for an
8 abortion is truly informed consent, the attending physician shall
10 inform the woman orally and in writing at least 24 hours prior to
12 performing an abortion, in a manner that in the physician's
professional judgment is not misleading and that will be
understood by the patient, of at least the following:

14 A. According to the physician's best judgment she is
pregnant;

16 ~~B. The number of weeks elapsed from the probable time of~~
18 ~~the conception;~~

20 B-1. The probable gestational age and anatomical
development of the fetus at the time of the scheduled
abortion;

22 ~~C. The particular risks associated with her own pregnancy~~
24 ~~and the abortion technique to be performed; and~~

26 C-1. The physical and psychological risks associated with
28 abortion and the abortion technique to be performed, in view
of that woman's own pregnancy. These risks must include,
30 but are not limited to, the risks described in the pamphlet
published by the Bureau of Health pursuant to subsection 3;

32 ~~D. At the woman's request, alternatives~~ Alternatives to
34 abortion such as childbirth and adoption and information
concerning public and private agencies that will provide the
36 woman with economic and other assistance to carry the fetus
to term, ~~including, if the woman so requests,~~ a list of
38 these agencies and the services available from each; and

40 E. The name of the physician who is to perform the abortion.

42 **Sec. 2. 22 MRSA §1599-A, sub-§3** is enacted to read:

44 **3. Bureau of Health to publish pamphlet; rules.** The Bureau
of Health shall publish and periodically update as necessary a
46 pamphlet that describes both the physical and psychological known
risks of abortion. The risks described in the pamphlet must
48 include, but are not limited to, perforated uterus, hemorrhage,
death, incompetent cervix, retained fetal parts after abortion,
grief, sense of loss, anger, depression, alienation and low
50 self-esteem. The Bureau of Health shall send copies of the

2 pamphlet to each physician licensed and practicing in this
3 State. The Bureau of Health shall adopt rules, which are major
4 substantive rules as described in Title 5, chapter 375,
5 subchapter 2-A, to implement this subsection.

6

8 SUMMARY

10 This bill amends the laws governing informed consent to
11 abortion to require the attending physician to provide the woman
12 with certain information orally and in writing at least 24 hours
13 prior to performing an abortion. The bill further amends these
14 laws to require that this information include the probable
15 gestational age and anatomical development of the fetus at the
16 time of the scheduled abortion; the physical and psychological
17 risks associated with abortion and the abortion technique to be
18 performed, in view of the patient's own pregnancy, including
19 risks identified in a pamphlet that the Department of Human
20 Services, Bureau of Health is required to publish and distribute
to doctors; and the name of the physician who is to perform the
abortion.