

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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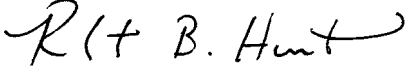
House of Representatives, March 20, 2025

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**An Act to Require That Informed Consent for Abortion Include  
Information on Perinatal Hospice**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative PAUL of Winterport.  
Cosponsored by Senator GUERIN of Penobscot and  
Representatives: COLLINS of Sidney, GRIFFIN of Levant, JAVNER of Chester, QUINT of  
Hodgdon, SMITH of Palermo, Senators: HARRINGTON of York, MARTIN of Oxford,  
STEWART of Aroostook.

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

2 **Sec. 1. 22 MRSA §1599-A, sub-§1-A** is enacted to read:

3 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the  
4 following terms have the following meanings.

5 A. "Abortion" means the act of using or prescribing any instrument, medicine, drug or  
6 any other substance, device or means with the intent to terminate a clinically  
7 diagnosable pregnancy with knowledge that the termination by those means will with  
8 reasonable likelihood cause the death of the fetus. "Abortion" does not include an act  
9 under this paragraph with the intent to:

10 (1) Save the life or preserve the health of the fetus;

11 (2) Remove a dead fetus caused by spontaneous abortion; or

12 (3) Remove an ectopic pregnancy.

13 B. "Ectopic pregnancy" means a condition where a fertilized egg attaches outside of a  
14 uterus.

15 C. "Lethal fetal anomaly" means a fetal condition diagnosed before birth that with  
16 reasonable certainty will result in the death of the child within 3 months after birth.

17 D. "Medical emergency" means a medical condition that, on the basis of a physician's  
18 good faith clinical judgment, so complicates the medical condition of a pregnant  
19 woman as to necessitate the immediate termination of the woman's pregnancy to avert  
20 the death of the woman or for which a delay will create a serious risk of substantial and  
21 irreversible impairment of a major bodily function.

22 E. "Perinatal hospice services" means comprehensive support to a pregnant woman  
23 who has received a prenatal diagnosis indicating the fetus has a life-limiting condition  
24 and may die before or shortly after birth that includes supportive care to the woman  
25 and the woman's family from time of diagnosis through the time of birth and death of  
26 the child through the postpartum period. Supportive care may include counseling and  
27 medical care by a maternal and fetal medical specialist, obstetrician, neonatologist,  
28 anesthesia specialist, member of the clergy, social worker or specialty nurse focused  
29 on alleviating fear and ensuring that the woman and the woman's family experience the  
30 life and death of the child in a comfortable and supportive environment.

31 F. "Spontaneous abortion" means a pregnancy loss before 20 weeks of gestation, also  
32 referred to as a miscarriage.

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

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

37 **Sec. 3. 22 MRSA §1599-A, sub-§2, ¶D,** as enacted by PL 1993, c. 61, §4, is  
38 amended to read:

39 D. At the woman's request, alternatives to abortion such as childbirth and adoption and  
40 information concerning public and private agencies that will provide the woman with

1 economic and other assistance to carry the fetus to term, including, if the woman so  
2 requests, a list of these agencies and the services available from each; and

3 **Sec. 4. 22 MRSA §1599-A, sub-§2, ¶E** is enacted to read:

4 E. For a woman seeking an abortion of a fetus diagnosed with a lethal fetal anomaly,  
5 except in the case of a medical emergency, at least 24 hours before the abortion orally  
6 and in person that perinatal hospice services are available as an alternative to abortion  
7 and shall provide the woman with a list of perinatal hospice services providers under  
8 subsection 3. If the woman declines perinatal hospice services and elects to proceed  
9 with the abortion, the woman must certify in writing the woman's decision to decline  
10 the perinatal hospice services, the woman's decision to proceed with the abortion and  
11 that the woman received the list under subsection 3.

12 **Sec. 5. 22 MRSA §1599-A, sub-§3** is enacted to read:

13 **3. List of perinatal hospice services providers.** The department shall publish and  
14 maintain a list of available perinatal hospice services providers both in the State and  
15 nationally, organized by geographical location and written in English, Spanish and any  
16 other language the department determines appropriate given the non-English speaking  
17 population of the State.

18 **Sec. 6. 22 MRSA §1599-A, sub-§4** is enacted to read:

19 **4. Violations.** A violation of this section by a health care professional, as defined in  
20 section 1596, subsection 1, paragraph C, constitutes unprofessional conduct subjecting the  
21 health care professional to discipline under Title 32, chapter 31, 36 or 48.

## 22 SUMMARY

23 This bill requires a health care professional, as part of ensuring informed consent for  
24 an abortion of a pregnant woman whose fetus has received a diagnosis of a lethal fetal  
25 anomaly, to inform the woman of perinatal hospice services and provide the woman with  
26 a list of available perinatal hospice services providers. If the woman declines receiving  
27 perinatal hospice services and elects to proceed with the abortion, the woman must certify  
28 that decision in writing and that the woman received the list of perinatal hospice services  
29 providers.