

	L.D. 798
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2	DATE: 5-19-03 (Filing No. S-194)
4	
6	JUDICIARY
8	Reported by: Minority
10	Reproduced and distributed under the direction of the Secretary of the Senate.
12 14	STATE OF MAINE SENATE
14	121ST LEGISLATURE FIRST REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to S.P. 277, L.D. 798, Bill, "An
20	Act To Amend the Abortion Consent Laws"
22	Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the
24	following:
26	' <b>Sec. 1. 22 MRSA §1599-A, sub-§2,</b> as enacted by PL 1993, c. 61, §4, is amended to read:
28	
30	<b>2. Informed consent.</b> To <u>Except as provided in subsection</u> <u>3, to</u> ensure that the consent for an abortion is truly informed consent, the attending physician <u>or a physician assistant, nurse</u>
32	practitioner, registered nurse, licensed practical nurse or social worker to whom the physician has delegated the
34	responsibility shall inform the woman <u>orally and in writing at</u> least 24 hours prior to performing an abortion, in a manner that
36	in the physician's professional judgment is not misleading and that will be understood by the patient, of at least the following:
38	A. According to the physician's best judgment she is
40	pregnant;
42	<b>BThe-number-of-weeks-elapsed-from-the-probable-time-of</b> the-conception;

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2	B-1. The probable gestational age and anatomical
4	development of the fetus at the time of the abortion;
	CThe-particular-fisks-associated-with-her-own-pregnancy
6	and-the-abortion-technique-to-be-performed;-and
8	<u>C-1. The physical and psychological risks associated with abortion and the abortion technique to be performed in view</u>
10	of that woman's own pregnancy. These risks must include, but are not limited to, the risks described in the pamphlet
12	published by the Bureau of Health pursuant to subsection 4;
14	<u>C-2. The medical risks associated with carrying the fetus to term;</u>
16	
	D. Atthe-woman's-request,alternatives <u>Alternatives</u> to
18	abortion such as childbirth and adoption and information concerning public and private agencies that will provide the
20	woman with economic and other assistance to carry the fetus
22	to term, including, <del>if-the-woman-sorequests,</del> a list of these agencies and the services available from each, <u>; and</u>
22	chese agencies and the services available from each+; and
24	E. The name of the physician who is to perform the abortion.
26	Sec. 2. 22 MRSA §1599-A, sub-§§3 and 4 are enacted to read:
28	3. Medical emergency. When a medical emergency compels the performance of an abortion, the physician shall inform the woman,
30	prior to the abortion if possible, of the medical indications
	supporting the physician's judgment that an abortion is necessary
32	to avert her death or to avert a substantial and irreversible
	impairment of major bodily function. For purposes of this
34	subsection, the term "medical emergency" means a condition that,
36	on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to
50	necessitate the immediate termination of her pregnancy to avert
38	her death or for which a delay in terminating the pregnancy will
	create serious risk of substantial and irreversible impairment of
40	a major bodily function.
42	4. Bureau of Health to publish pamphlet. The Bureau of
	Health shall publish and periodically update a pamphlet that
44	describes the known risks of abortion both physical and
16	psychological. The risks described in the pamphlet must include,
46	but are not limited to, perforated uterus, hemorrhage, death,
48	incompetent cervix, retained fetal parts after abortion, grief, sense of loss, anger, depression, alignation and low
ŦŪ	self-esteem. The Bureau of Health shall send a copy of the

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pamphlet to each physician licensed and practicing in this 2 State. The Bureau of Health shall adopt rules, which are major substantive rules as described in Title 5, chapter 375, subchapter 2-A, to implement this subsection. 4 3. Appropriations and allocations. 6 Sec. The following appropriations and allocations are made. 8 HUMAN SERVICES, DEPARTMENT OF 10 Bureau of Health 0143 12 Appropriates funds for the costs of producing, Initiative: publishing and distributing the pamphlet describing the known 14 risks of abortion. 16 General Fund 2003-04 2004-05 All Other \$20,000 \$5,000 18 20 General Fund Total \$20,000 \$5,000' 22 SUMMARY 24 This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill. 26 28 This amendment differs from the bill in 3 ways. 30 First, it provides an exception from the required provision of specific information at least 24 hours before an abortion for The definition of "medical emergency" a medical emergency. 32 tracks the definition in Pennsylvania law and means a condition that, on the basis of the physician's good faith clinical 34 judgment, so complicates the medical condition of a pregnant woman so as to necessitate the immediate termination of her 36 pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a 38 major bodily function. 40 Second, this amendment allows the attending physician to 42 delegate the responsibility to provide the required information to a physician assistant, nurse practitioner, registered nurse, 44 licensed practical nurse or social worker.

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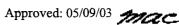
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2 Third, this amendment includes in the list of required information the medical risks of carrying the fetus to term. It 4 also adds an appropriation.

FISCAL NOTE REQUIRED (See attached)

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121st Maine Legislature Office of Fiscal and Program Review

LD 798 An Act To Amend the Abortion Consent Laws

LR 1340(02) Fiscal Note for Bill as Amended by Committee Amendment 'A'' S-194 Committee: Judiciary Fiscal Note Required: Yes

## **Fiscal Note**

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings) General Fund	\$20,000	\$5,000	\$0	\$0
Appropriations/Allocations General Fund	\$20,000	\$5,000	\$0	\$0

## **Correctional and Judicial Impact Statements**

May increase the number of civil violations by increasing the criteria for informed consent.

## **Fiscal Detail and Notes**

The fiscal note assumes the Bureau of Health in the Department of Human Services will require a General Fund appropriation to cover the costs of producing, publishing and distributing the pamphlet specified in the bill.

