

MAINE STATE LEGISLATURE

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AUGUSTA, MAINE

L.D. 798

DATE: 5-19-03

(Filing No. S-194)

JUDICIARY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 277, L.D. 798, Bill, "An Act To Amend the Abortion Consent Laws"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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

2. Informed consent. To Except as provided in subsection 3, to ensure that the consent for an abortion is truly informed consent, the attending physician or a physician assistant, nurse practitioner, registered nurse, licensed practical nurse or social worker to whom the physician has delegated the responsibility shall inform the woman orally and in writing at least 24 hours prior to 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:

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

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

COMMITTEE AMENDMENT

RMS

- 2 B-1. The probable gestational age and anatomical
3 development of the fetus at the time of the abortion;
- 4
- 5 ~~C. The particular risks associated with her own pregnancy~~
6 ~~and the abortion technique to be performed; and~~
- 7
- 8 C-1. The physical and psychological risks associated with
9 abortion and the abortion technique to be performed in view
10 of that woman's own pregnancy. These risks must include,
11 but are not limited to, the risks described in the pamphlet
12 published by the Bureau of Health pursuant to subsection 4;
- 13
- 14 C-2. The medical risks associated with carrying the fetus
15 to term;
- 16
- 17 ~~D. At the woman's request, alternatives~~ Alternatives to
18 abortion such as childbirth and adoption and information
19 concerning public and private agencies that will provide the
20 woman with economic and other assistance to carry the fetus
21 to term, including, ~~if the woman so requests,~~ a list of
22 these agencies and the services available from each; and
- 23
- 24 E. The name of the physician who is to perform the abortion.

25 **Sec. 2. 22 MRSA §1599-A, sub-§§3 and 4 are enacted to read:**

26

27 **3. Medical emergency.** When a medical emergency compels the
28 performance of an abortion, the physician shall inform the woman,
29 prior to the abortion if possible, of the medical indications
30 supporting the physician's judgment that an abortion is necessary
31 to avert her death or to avert a substantial and irreversible
32 impairment of major bodily function. For purposes of this
33 subsection, the term "medical emergency" means a condition that,
34 on the basis of the physician's good faith clinical judgment, so
35 complicates the medical condition of a pregnant woman as to
36 necessitate the immediate termination of her pregnancy to avert
37 her death or for which a delay in terminating the pregnancy will
38 create serious risk of substantial and irreversible impairment of
39 a major bodily function.

40

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

pamphlet to each physician licensed and practicing in this 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.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health 0143

Initiative: Appropriates funds for the costs of producing, publishing and distributing the pamphlet describing the known risks of abortion.

General Fund	2003-04	2004-05
All Other	\$20,000	\$5,000
General Fund Total	\$20,000	\$5,000'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment differs from the bill in 3 ways.

First, it provides an exception from the required provision of specific information at least 24 hours before an abortion for a medical emergency. The definition of "medical emergency" tracks the definition in Pennsylvania law and means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman so as to necessitate the immediate termination of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

Second, this amendment allows the attending physician to delegate the responsibility to provide the required information to a physician assistant, nurse practitioner, registered nurse, licensed practical nurse or social worker.

R.S.

COMMITTEE AMENDMENT "A" to S.P. 277, L.D. 798

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.

6

FISCAL NOTE REQUIRED
(See attached)

8

COMMITTEE AMENDMENT

**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.