

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 494

S.P. 159

In Senate, January 31, 2019

An Act To Update the Family Planning Statutes

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SANBORN, L. of Cumberland.
Cosponsored by Representative GATTINE of Westbrook and
Senators: BELLOWS of Kennebec, BREEN of Cumberland, MILLETT of Cumberland,
SANBORN, H. of Cumberland, Representatives: COOPER of Yarmouth, McCREIGHT of
Harpwell, PIERCE of Falmouth.

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

2 **Sec. 1. 22 MRSA §1902**, as amended by PL 2001, c. 654, §1, is further amended
3 to read:

4 **§1902. Definitions**

5 As used in this chapter, unless the context otherwise indicates, the following words
6 shall terms have the following meanings.

7 **1. Contraceptive procedures.** "Contraceptive procedures" means any medically
8 accepted procedure to prevent ~~conception~~ pregnancy when performed by or under the
9 direction of a ~~physician~~ health care practitioner on a requesting and consenting patient.

10 **1-A. Comprehensive family life education.** "Comprehensive family life education"
11 means education in kindergarten to grade 12 regarding human development and sexuality,
12 including education on family planning and sexually transmitted diseases, that is
13 medically accurate and age appropriate; that respects community values and encourages
14 parental communication; that develops skills in communication, decision making and
15 conflict resolution; that contributes to healthy relationships; that promotes responsible
16 sexual behavior with an emphasis on abstinence; that addresses the use of contraception;
17 that promotes individual responsibility and involvement regarding sexuality; and that
18 teaches skills for responsible decision making regarding sexuality.

19 **2. Contraceptive supplies.** "Contraceptive supplies" means those medically
20 approved drugs, prescriptions, rhythm charts, devices and other items designed to prevent
21 ~~conception~~ pregnancy through chemical, mechanical, behavioral or other means.

22 **3. Family planning.** "Family planning" means informed and voluntary self-
23 determination of desired family size and of the timing of child bearing based upon
24 comprehensive knowledge of factors pertinent to this determination.

25 **4. Family planning services.** "Family planning services" means ~~counseling with~~
26 ~~trained personnel regarding family planning, contraceptive procedures and the treatment~~
27 ~~of infertility; distribution of literature relating to family planning, contraceptive~~
28 ~~procedures and the treatment of infertility; referral of patients to physicians or health~~
29 ~~agencies for consultation, examination, tests, medical treatment and prescription for the~~
30 ~~purposes of family planning, contraceptive procedures and treatment of infertility and~~
31 ~~provision of contraceptive procedures and contraceptive supplies by those qualified to do~~
32 ~~so under the laws of this State~~ medically safe and effective sexual and reproductive health
33 care and education that enable persons to freely plan their children, avoid unintended
34 pregnancy and maintain reproductive and sexual health, including through the provision
35 of contraceptive supplies, contraceptive procedures and related counseling; the prevention
36 and treatment of infertility; appropriate prenatal and obstetric care; the screening, testing,
37 counseling and vaccinating for sexually transmitted infections; and other services
38 necessary for reproductive and sexual health.

39 **5. Physician.** "Physician" means any doctor of medicine or doctor of osteopathy
40 duly licensed to practice his profession in this State.

1 **5-A. Health care practitioner.** "Health care practitioner" means an individual who
2 is licensed, certified or otherwise authorized under the laws of the State to provide health
3 care services.

4 **6. Person.** "Person" means any person regardless of sex, race, sexual orientation,
5 gender identity, number of children, marital status, motive and citizenship.

6 **Sec. 2. 22 MRSA §1903,** as amended by PL 1981, c. 470, Pt. A, §73, is further
7 amended to read:

8 **§1903. Authority and policy**

9 It ~~shall be~~ is the policy and authority of this State that:

10 **1. Availability.** Family planning services ~~shall~~ must be readily and practicably
11 available to all persons desiring and needing such services;

12 **2. Consistent with public policy.** The delivery of family planning services by duly
13 authorized persons in all agencies and instrumentalities of this State is consistent with
14 public policy;

15 **3. Refusal.** Nothing in this chapter ~~shall inhibit~~ inhibits a ~~physician~~ health care
16 practitioner from refusing to furnish family planning services when the refusal is for
17 medical reasons; and

18 **4. Objections.** ~~No~~ A private institution or ~~physician~~ health care practitioner or ~~no~~
19 agent or employee of such institution or physician ~~shall~~ may not be prohibited from
20 refusing to provide family planning services when such refusal is based upon religious or
21 conscientious objection.

22 **Sec. 3. 22 MRSA §1907,** as enacted by PL 1973, c. 624, §1, is amended to read:

23 **§1907. Refusal**

24 The refusal of any person to accept family planning services ~~shall~~ does not affect the
25 right of ~~such~~ that person to receive public assistance or public health services or to ~~avail~~
26 ~~himself of~~ access any other public benefit. The employees of agencies engaged in the
27 administration of this chapter shall recognize that the right to make decisions concerning
28 family planning is a fundamental personal right of the individual, and nothing in this
29 chapter ~~shall~~ in any way ~~abridge~~ abridges such right nor ~~shall~~ may any individual be
30 required to receive family planning services or to state his reasons for refusing the offer
31 of family planning services.

32 **Sec. 4. 22 MRSA §1908,** as enacted by PL 1973, c. 624, §1, is amended to read:

33 **§1908. Minors**

34 Family planning services may be furnished to any minor who is a parent or married
35 or has the consent of ~~his or her~~ that minor's legal guardian or who may suffer in the

1 professional judgment of a ~~physician~~ health care practitioner probable health hazards if
2 such services are not provided.

3

SUMMARY

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This bill updates language in the laws governing family planning.