

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1229

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H.P. 900

House of Representatives, March 24, 2021

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**An Act To Require Certain Medical Providers To Administer  
Ultrasounds and Provide Information to Certain Pregnant Patients**

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Received by the Clerk of the House on March 22, 2021. Referred to the Committee on  
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GRIFFIN of Levant.  
Cosponsored by Representatives: CARMICHAEL of Greenbush, DUCHARME of Madison,  
KINNEY of Knox, O'CONNOR of Berwick.

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

2 **Sec. 1. 22 MRSA §1598, sub-§2, ¶C** is enacted to read:

3 C. "Medical emergency" means a condition that, on the basis of the good faith clinical  
4 judgment of a health care professional, as defined in section 1596, subsection 1,  
5 paragraph C, complicates the medical condition of a pregnant woman to necessitate the  
6 immediate abortion of her pregnancy to avert her death or to avoid a delay that would  
7 create serious risk of substantial and irreversible impairment of a major bodily  
8 function.

9 **Sec. 2. 22 MRSA §1598, sub-§2, ¶D** is enacted to read:

10 D. "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for  
11 diagnostic or therapeutic purposes and to monitor a developing fetus.

12 **Sec. 3. 22 MRSA §1598, sub-§5** is enacted to read:

13 **5. Waiting period.** Unless there is a medical emergency, a health care professional,  
14 as defined in section 1596, subsection 1, paragraph C, may not perform an abortion upon a  
15 pregnant woman before 48 hours have passed since the health care professional secured the  
16 informed written consent of the pregnant woman as required under section 1599-A and the  
17 performance of the obstetric ultrasound as required under section 1599-B.

18 **Sec. 4. 22 MRSA §1599-A, sub-§2,** as amended by PL 2019, c. 262, §6, is further  
19 amended to read:

20 **2. Informed consent.** To ensure that the consent for an abortion is truly informed  
21 consent, the health care professional, as defined in section 1596, subsection 1, paragraph  
22 C, shall, in addition to performing the ultrasound as required in section 1599-B, inform the  
23 woman, in a manner that in the health care professional's professional judgment is not  
24 misleading and that will be understood by the patient, of at least the following:

- 25 A. According to the health care professional's best judgment she is pregnant;
- 26 B. The number of weeks elapsed from the probable time of the conception;
- 27 C. The particular risks associated with her own pregnancy and the abortion technique  
28 to be performed; and
- 29 D. ~~At the woman's request, alternatives~~ Alternatives to abortion such as childbirth and  
30 parenting and adoption and information concerning public and private agencies that  
31 will provide the woman with economic and other assistance to carry the fetus to term,  
32 including, if the woman so requests, a list of these agencies and the services available  
33 from each.

34 **Sec. 5. 22 MRSA §1599-B** is enacted to read:

35 **§1599-B. Required ultrasound before abortion**

36 **1. Ultrasound required.** Prior to a pregnant woman giving informed consent under  
37 section 1599-A to having an abortion performed, a health care professional who is to  
38 perform the abortion or a qualified ultrasound provider to whom the responsibility has been  
39 delegated by the health care professional shall:

