

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 771

S.P. 330

In Senate, February 21, 2023

An Act to Protect a Woman's Right to Withdraw Consent for an Abortion

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative LIBBY of Auburn and
Senators: GUERIN of Penobscot, KEIM of Oxford, Representatives: JAVNER of Chester,
PAUL of Winterport, QUINT of Hodgdon, RUDNICKI of Fairfield, SAMPSON of Alfred,
SMITH of Palermo.

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

2 **Sec. 1. 22 MRSA §1597-A, sub-§4, ¶A**, as amended by PL 2019, c. 262, §2, is
3 further amended by amending subparagraph (2) to read:

4 (2) Explain that the minor may withdraw a decision to have an abortion at any
5 time before the ~~abortion is performed~~ fetus has died or may reconsider a decision
6 not to have an abortion at any time within the time period during which an abortion
7 may legally be performed;

8 **Sec. 2. 22 MRSA §1597-A, sub-§8, ¶A**, as enacted by PL 2003, c. 452, Pt. K, §11
9 and affected by Pt. X, §2, is amended to read:

10 A. A person may not knowingly perform or aid in the performance of an abortion in
11 violation of this section. ~~A Except as provided in paragraph C, a person who violates~~
12 ~~this paragraph commits a Class D crime.~~

13 **Sec. 3. 22 MRSA §1597-A, sub-§8, ¶C** is enacted to read:

14 C. Unless the abortion is performed pursuant to a court order issued under subsection
15 7, a person may not knowingly perform or aid in the performance of an abortion if the
16 minor has withdrawn the minor's consent for the abortion. A person who violates this
17 paragraph commits a Class C crime.

18 **Sec. 4. 22 MRSA §1598, sub-§5** is enacted to read:

19 **5. Abortion after consent withdrawn.** A person may not knowingly perform or aid
20 in the performance of an abortion if the pregnant woman has withheld or withdrawn the
21 woman's consent for the abortion. A person who violates this paragraph commits a Class
22 C crime.

23 **Sec. 5. 22 MRSA §1599-A, sub-§2**, as amended by PL 2019, c. 262, §6, is further
24 amended to read:

25 **2. Informed consent.** To ensure that the consent for an abortion is truly informed
26 consent, the health care professional, as defined in section 1596, subsection 1, paragraph
27 C, shall inform the pregnant woman, in a manner that in the health care professional's
28 professional judgment is not misleading and that will be understood by the patient, of at
29 least the following:

30 A. According to the health care professional's best judgment ~~she, the woman~~ is
31 pregnant;

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

33 C. The particular risks associated with ~~her~~ the woman's own pregnancy and the
34 abortion technique to be performed; ~~and~~

35 D. At the woman's request, alternatives to abortion such as childbirth and adoption and
36 information concerning public and private agencies that will provide the woman with
37 economic and other assistance to carry the fetus to term, including, if the woman so
38 requests, a list of these agencies and the services available from each; ~~and~~

39 E. The woman's right to withdraw her consent for the abortion at any time before the
40 fetus has died.

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SUMMARY

This bill establishes a pregnant woman's and a pregnant minor's right to withdraw the woman's or the minor's consent to an abortion at any time before the death of the fetus. The bill makes performing or aiding in the performance of an abortion after the pregnant woman or the pregnant minor has withdrawn consent a Class C crime.