

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1619

H.P. 1044

House of Representatives, April 12, 2023

An Act to Improve Maine's Reproductive Privacy Laws

Reference to the Committee on Judiciary suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland. (GOVERNOR'S BILL)

Cosponsored by President JACKSON of Aroostook and

Representatives: ANKELES of Brunswick, ARFORD of Brunswick, BELL of Yarmouth, BOYLE of Gorham, BRENNAN of Portland, CLOUTIER of Lewiston, CLUCHEY of Bowdoinham, COLLINGS of Portland, COPELAND of Saco, CRAFTS of Newcastle, CRAVEN of Lewiston, CROCKETT of Portland, DHALAC of South Portland, DILL of Old Town, DODGE of Belfast, DOUDERA of Camden, EATON of Deer Isle, FAY of Raymond, GATTINE of Westbrook, GEIGER of Rockland, GERE of Kennebunkport, GOLEK of Harpswell, GRAHAM of North Yarmouth, GRAMLICH of Old Orchard Beach, HASENFUS of Readfield, HEPLER of Woolwich, HOBBS of Wells, JAUCH of Topsham, KESSLER of South Portland, KUHN of Falmouth, LANDRY of Farmington, LaROCHELLE of Augusta, LEE of Auburn, LOOKNER of Portland, MADIGAN of Waterville, MALON of Biddeford, MASTRACCIO of Sanford, MATHIESON of Kittery, MATLACK of St. George, MEYER of Eliot, MILLETT of Cape Elizabeth, MILLIKEN of Blue Hill, MONTELL of Gardiner, MOONEN of Portland, MORIARTY of Cumberland, MURPHY of Scarborough, O'CONNELL of Brewer, O'NEIL of Saco, OSHER of Orono, PAULHUS of Bath, PLUECKER of Warren, PRINGLE of Windham, RANA of Bangor, RECKITT of South Portland, RIELLY of Westbrook, RISEMAN of Harrison, ROBERTS of South Berwick, ROEDER of Bangor, RUNTE of York, SACHS of Freeport, SALISBURY of Westbrook, SARGENT of York, SAYRE of Kennebunk, SHAGOURY of Hallowell, SHAW of Auburn, SHEEHAN of Biddeford, SKOLD of Portland, STOVER of Boothbay, SUPICA of Bangor, TERRY of Gorham, WARREN of Scarborough, WILLIAMS of Bar Harbor, WORTH of Ellsworth, ZAGER of Portland, ZEIGLER of Montville, Senators: BAILEY of York, BALDACCI of Penobscot, BEEBE-CENTER of Knox, BRENNER of Cumberland, CARNEY of Cumberland, CHIPMAN of Cumberland, DAUGHTRY of Cumberland, DUSON of Cumberland, GROHOSKI of Hancock, INGWERSEN of York, LaFOUNTAIN of Kennebec, LAWRENCE of York, NANGLE of Cumberland, PIERCE of Cumberland, RAFFERTY of York, RENY of Lincoln, ROTUNDO of Androscoggin, TIPPING of Penobscot, VITELLI of Sagadahoc.

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

2 **Sec. 1. 22 MRSA §1596, sub-§2**, as amended by PL 2019, c. 262, §1, is repealed
3 and the following enacted in its place:

4 **2. Abortion reports.** A report of each abortion performed must be made to the
5 Department of Health and Human Services in a manner prescribed by the department.
6 These reports may not identify the patient by name or include other identifying information.
7 The report must include, without limitation, the following information:

8 A. The date and place the abortion was performed;

9 B. The age of the person on whom the abortion was performed;

10 C. The method used to perform the abortion; and

11 D. The gestational age of the fetus when the abortion was performed.

12 The report containing the information and data required by this subsection must be
13 transmitted by the health care provider to the department not later than 10 days following
14 the end of the month in which the abortion is performed.

15 **Sec. 2. 22 MRSA §1598, sub-§1**, as amended by PL 2019, c. 262, §4, is further
16 amended to read:

17 **1. Policy.** It is the public policy of the State that the State not restrict a woman's
18 exercise of her private decision to terminate a pregnancy before viability except as provided
19 in section 1597-A. After viability an abortion may be performed only when it is necessary
20 ~~to preserve the life or health of the mother~~ in the professional judgment of a physician
21 licensed pursuant to Title 32, chapter 36 or 48. It is also the public policy of the State that
22 all abortions may be performed only by a health care professional, as defined in section
23 1596, subsection 1, paragraph C.

24 **Sec. 3. 22 MRSA §1598, sub-§3**, as amended by PL 2019, c. 262, §5, is further
25 amended to read:

26 **3. Persons who may perform abortions; penalties.**

27 A. Only a person licensed under Title 32, chapter 36 or 48 to practice in the State as
28 an osteopathic or medical physician or physician assistant or a person licensed under
29 Title 32, chapter 31 to practice in the State as an advanced practice registered nurse
30 may perform an abortion on another person.

31 ~~B. Any person not so licensed who knowingly performs an abortion on another person~~
32 ~~or any person who knowingly assists a nonlicensed person to perform an abortion on~~
33 ~~another person is guilty of a Class C crime.~~

34 **Sec. 4. 22 MRSA §1598, sub-§4**, as corrected by RR 2021, c. 2, Pt. B, §98, is
35 repealed.

36 SUMMARY

37 This bill amends the law governing abortion reports to eliminate the requirement to use
38 the United States Standard Report of Induced Termination of Pregnancy and replace it with
39 a report that may not contain any information that identifies the patient but must contain

1 specific data such as the date and place the abortion was performed; the age of the patient;
2 the method used to perform the abortion; and the gestational age of the fetus at the time of
3 the abortion.

4 This bill changes the standard for when an abortion may be performed after viability
5 to when a licensed physician determines that it is necessary instead of when it is necessary
6 to preserve the life or health of the mother.

7 Finally, this bill removes the criminal penalties for performing an abortion without
8 being licensed as a physician, physician assistant or advanced practice registered nurse and
9 for performing an abortion after viability of the fetus when it was not necessary for the
10 preservation of the life or health of the mother.