



General Assembly

Amendment

February Session, 2004

LCO No. 5236

HB0562005236HRO

Offered by:
REP. ROWE, 123rd Dist.

To: Subst. House Bill No. 5620 File No. 495 Cal. No. 341

(As Amended by Senate Amendment Schedules "A" and "B")

"AN ACT CONCERNING THE ATTORNEY ASSISTANCE PROGRAM."

1 Strike subdivision (3) of subsection (d) of section 501 of Senate
2 Amendment Schedule "B" in its entirety and insert the following in lieu
3 thereof:

4 "(3) (A) A person who elects to donate for research purposes any
5 embryos and embryonic cells, or cells derived therefrom, remaining
6 after receiving infertility treatment shall not receive any valuable
7 consideration for said embryos and embryonic cells, or cells derived
8 therefrom, and shall provide a notarized statement consenting to such
9 donation.

10 (B) If an unmarried, unemancipated person aged eighteen years or
11 younger elects to donate for research purposes any embryos and
12 embryonic cells, or cells derived therefrom, remaining after receiving
13 infertility treatment, the notarized statement required pursuant to

14 subparagraph (A) of this subdivision shall also be signed by such
15 person's parent or legal guardian."

16 After the last section, add the following and renumber sections and
17 internal references accordingly:

18 "Sec. 501. Section 19a-600 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2004*):

20 For the purposes of sections 19a-601 and 19a-602:

21 (1) "Counselor" means: (A) A psychiatrist, (B) a psychologist
22 licensed under chapter 383, (C) clinical social worker licensed under
23 chapter 383b, (D) a marital and family therapist licensed under chapter
24 383a, (E) an ordained member of the clergy, (F) a physician's assistant
25 licensed under section 20-12b, (G) a nurse-midwife licensed under
26 chapter 377, (H) a certified guidance counselor, (I) a registered
27 professional nurse licensed under chapter 378, or (J) a practical nurse
28 licensed under chapter 378.

29 (2) "Minor" means a person who is less than [~~sixteen~~] eighteen years
30 of age.

31 Sec. 502. Section 19a-601 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2004*):

33 (a) Prior to the performance of an abortion upon a minor, a
34 physician or counselor shall provide pregnancy information and
35 counseling in accordance with this section in a manner and language
36 that will be understood by the minor. The physician or counselor shall:

37 (1) Explain that the information being given to the minor is being
38 given objectively and is not intended to coerce, persuade or induce the
39 minor to choose to have an abortion or to carry the pregnancy to term;

40 (2) Explain that the minor may withdraw a decision to have an
41 abortion at any time before the abortion is performed or may
42 reconsider a decision not to have an abortion at any time within the

43 time period during which an abortion may legally be performed;

44 (3) Explain to the minor the alternative choices available for
45 managing the pregnancy, including: (A) Carrying the pregnancy to
46 term and keeping the child, (B) carrying the pregnancy to term and
47 placing the child for adoption, placing the child with a relative or
48 obtaining voluntary foster care for the child, and (C) having an
49 abortion, and explain that public and private agencies are available to
50 assist the minor with whichever alternative she chooses and that a list
51 of these agencies and the services available from each will be provided
52 if the minor requests;

53 (4) Explain that public and private agencies are available to provide
54 birth control information and that a list of these agencies and the
55 services available from each will be provided if the minor requests;

56 [(5) Discuss the possibility of involving the minor's parents,
57 guardian or other adult family members in the minor's decision-
58 making concerning the pregnancy and whether the minor believes that
59 involvement would be in the minor's best interests]

60 (5) Explain and carry out the following notification procedures to
61 parents, guardians or others;

62 (A) Except as provided in subparagraph (B) of this subdivision,
63 notice shall be provided to at least one parent or legal guardian of a
64 pregnant unemancipated minor not less than forty-eight hours prior to
65 the performance of an abortion on such minor. Such notice may be
66 provided by the person providing information and counseling;

67 (B) If a pregnant unemancipated minor declares in a signed written
68 statement that she is a victim of sexual abuse, neglect or physical abuse
69 by either of her parents or her legal guardian, the person providing
70 information and counseling shall provide the notice required pursuant
71 to subparagraph (A) of this subdivision to such minor's brother or
72 sister who is aged twenty-one years or older or to a stepparent or
73 grandparent specified by such minor; and

74 (6) Provide adequate opportunity for the minor to ask any questions
75 concerning the pregnancy, abortion, child care and adoption, and
76 provide information the minor seeks or, if the person cannot provide
77 the information, indicate where the minor can receive the information.

78 (b) After the person provides the information and counseling to a
79 minor as required by this section, such person shall have the minor
80 sign and date a form stating that:

81 (1) The minor has received information on alternatives to abortion
82 and that there are agencies that will provide assistance and that a list
83 of these agencies and the services available from each will be provided
84 if the minor requests;

85 (2) The minor has received an explanation that the minor may
86 withdraw an abortion decision or reconsider a decision to carry a
87 pregnancy to term;

88 (3) The alternatives available for managing the pregnancy have been
89 explained to the minor;

90 (4) The minor has received an explanation about agencies available
91 to provide birth control information and that a list of these agencies
92 and the services available from each will be provided if the minor
93 requests;

94 (5) The minor has discussed with the person providing the
95 information and counseling the [possibility of involving the minor's
96 parents, guardian or other adult family members in the minor's
97 decision-making about the pregnancy] parental notification
98 requirements pursuant to subdivision (5) of subsection (a) of this
99 section;

100 (6) If applicable, the minor has determined that not [involving]
101 notifying the minor's parents, guardian or other adult family members
102 is in the minor's best interests and has chosen to request a judicial
103 waiver of notice; and

104 (7) The minor has been given an adequate opportunity to ask
105 questions.

106 (c) The person providing the information and counseling shall also
107 sign and date the form and shall include such person's business
108 address and business telephone number. The person shall keep a copy
109 for such minor's medical record and shall give the form to the minor
110 or, if the minor requests and if such person is not the attending
111 physician, transmit the form to the minor's attending physician. Such
112 medical record shall be maintained as otherwise provided by law.

113 (d) The provision of pregnancy information and counseling by a
114 physician or counselor which is evidenced in writing containing the
115 information and statements provided in this section and which is
116 signed by the minor shall be presumed to be evidence of compliance
117 with the requirements of this section.

118 (e) (1) No physician shall perform an abortion until the written
119 statement required pursuant to subparagraph (A) of subdivision (5) of
120 subsection (a) of this section, certifying that the person providing the
121 information and counseling has provided notice to at least one parent
122 or legal guardian of such minor is received. If the physician
123 performing the abortion receives a signed statement pursuant to
124 subparagraph (B) of subdivision (5) of subsection (a) of this section,
125 such physician shall certify in the minor's medical record that such
126 physician has received such statement. Any physician relying in good
127 faith on such statement shall not be civilly or criminally liable for
128 failure to give the notice required pursuant to subparagraph (A) of
129 subdivision (5) of subsection (a) of this section.

130 (2) The minor may petition a court for a waiver of the notice
131 requirements pursuant to subdivision (5) of subsection (a) of this
132 section, and may participate in proceedings on her own behalf. The
133 petition shall include a statement that the minor is pregnant and is
134 unemancipated. The petition shall also include a statement such notice
135 requirements have not been waived by the parent or legal guardian,

136 and that the minor wishes to obtain an abortion without giving such
137 required notifications. The court shall appoint a guardian for her.

138 (A) If the court finds, by clear and convincing evidence, that the
139 minor is both sufficiently mature and well-informed to decide whether
140 to have an abortion, the court shall issue an order authorizing the
141 minor to consent to the performance of an abortion without such
142 required notifications. If the court does not make the finding specified
143 in this subparagraph or in subparagraph (B) of this subdivision, it shall
144 dismiss the petition.

145 (B) If the court finds, by clear and convincing evidence, that there is
146 a pattern of physical, sexual or emotional abuse of the minor by one or
147 both of her parents or her guardian, or that the notification of a parent
148 or guardian is not in the best interest of the minor, the court shall issue
149 an order authorizing the minor to consent to the performance of an
150 abortion without such required notifications. If the court does not
151 make the finding specified in this subparagraph or in subparagraph
152 (A) of this subdivision, it shall dismiss the petition.

153 [(e)] (f) The requirements of this section shall not apply when, in the
154 best medical judgment of the physician based on the facts of the case
155 before him, a medical emergency exists that so complicates the
156 pregnancy or the health, safety or well-being of the minor as to require
157 an immediate abortion. A physician who does not comply with the
158 requirements of this section by reason of this exception shall state in
159 the medical record of the abortion the medical indications on which his
160 judgment was based."