



General Assembly

Amendment

February Session, 2010

LCO No. 3309

HB0545003309HRO

Offered by:

REP. ROWE, 123rd Dist.

REP. CANDELORA, 86th Dist.

To: Subst. House Bill No. 5450

File No. 375

Cal. No. 208

"AN ACT CONCERNING EXPEDITED PARTNER THERAPY FOR SEXUALLY TRANSMITTED DISEASES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2010*) A physician who
4 intentionally and wilfully fails to comply with the requirements of
5 section 19a-601 of the general statutes, as amended by this act, shall be
6 guilty of a class D felony and be sentenced in accordance with section
7 53a-35a of the general statutes, as amended by this act.

8 Sec. 2. Section 19a-600 of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective October 1, 2010*):

10 For the purposes of sections 19a-601 and 19a-602, as amended by
11 this act:

12 (1) "Counselor" means: (A) A psychiatrist, (B) a psychologist
13 licensed under chapter 383, (C) a clinical social worker licensed under

14 chapter 383b, (D) a marital and family therapist licensed under chapter
15 383a, (E) an ordained member of the clergy, (F) a physician assistant
16 licensed under section 20-12b, (G) a nurse-midwife licensed under
17 chapter 377, (H) a certified guidance counselor, (I) a registered
18 professional nurse licensed under chapter 378, or (J) a practical nurse
19 licensed under chapter 378.

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

22 Sec. 3. Section 19a-601 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2010*):

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

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

31 (2) Explain that the minor may withdraw a decision to have an
32 abortion at any time before the abortion is performed or may
33 reconsider a decision not to have an abortion at any time within the
34 time period during which an abortion may legally be performed;

35 (3) Explain to the minor the alternative choices available for
36 managing the pregnancy, including: (A) Carrying the pregnancy to
37 term and keeping the child, (B) carrying the pregnancy to term and
38 placing the child for adoption, placing the child with a relative or
39 obtaining voluntary foster care for the child, and (C) having an
40 abortion, and explain that public and private agencies are available to
41 assist the minor with whichever alternative she chooses and that a list
42 of these agencies and the services available from each will be provided
43 if the minor requests;

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

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

51 (5) Explain and carry out the following notification procedures to
52 parents, guardians or others:

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

58 (B) If a pregnant unemancipated minor declares in a signed written
59 statement that she is a victim of sexual abuse, neglect or physical abuse
60 by either of her parents or her legal guardian, the person providing
61 information and counseling shall provide the notice required pursuant
62 to subparagraph (A) of this subdivision to such minor's brother or
63 sister who is aged twenty-one years or older or a stepparent or
64 grandparent specified by such minor or, if no such person exists, to
65 some other person who is aged twenty-one years or older specified by
66 such minor; and

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

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

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

78 (2) The minor has received an explanation that the minor may
79 withdraw an abortion decision or reconsider a decision to carry a
80 pregnancy to term;

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

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

87 (5) The minor has [discussed with the person providing the
88 information and counseling the possibility of involving the minor's
89 parents, guardian or other adult family members in the minor's
90 decision-making about the pregnancy] received an explanation of the
91 parental notification requirements pursuant to subdivision (5) of
92 subsection (a) of this section;

93 (6) If applicable, the minor has determined that not involving the
94 minor's parents, guardian or other adult family members is in the
95 minor's best interests; and

96 (7) The minor has been given an adequate opportunity to ask
97 questions.

98 (c) The person providing the information and counseling shall also
99 sign and date the form and shall include such person's business
100 address and business telephone number. The person shall keep a copy
101 for such minor's medical record and shall give the form to the minor
102 or, if the minor requests and if such person is not the attending
103 physician, transmit the form to the minor's attending physician. Such

104 medical record shall be maintained as otherwise provided by law.

105 (d) The provision of pregnancy information and counseling by a
106 physician or counselor which is evidenced in writing containing the
107 information and statements provided in this section and which is
108 signed by the minor shall be presumed to be evidence of compliance
109 with the requirements of this section.

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

122 (2) The minor may petition a court for a waiver of the notice
123 requirements pursuant to subdivision (5) of subsection (a) of this
124 section, and may participate in proceedings on her own behalf. The
125 petition shall include a statement that the minor is pregnant and is
126 unemancipated. The petition shall also include a statement such notice
127 requirements have not been waived by the parent or legal guardian,
128 and that the minor wishes to obtain an abortion without giving such
129 required notifications. The court shall appoint a guardian for her.

130 (A) If the court finds, by clear and convincing evidence, that the
131 minor is both sufficiently mature and well-informed to decide whether
132 to have an abortion, the court shall issue an order authorizing the
133 minor to consent to the performance of an abortion without such
134 required notifications. If the court does not make the finding specified
135 in this subparagraph or in subparagraph (B) of this subdivision, it shall

136 dismiss the petition.

137 (B) If the court finds, by clear and convincing evidence, that there is
 138 a pattern of physical, sexual or emotional abuse of the minor by one or
 139 both of her parents or her guardian, or that the notification of a parent
 140 or guardian is not in the best interest of the minor, the court shall issue
 141 an order authorizing the minor to consent to the performance of an
 142 abortion without such required notifications. If the court does not
 143 make the finding specified in this subparagraph or in subparagraph
 144 (A) of this subdivision, it shall dismiss the petition.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	New section
Sec. 2	October 1, 2010	19a-600
Sec. 3	October 1, 2010	19a-601