



General Assembly

**Amendment**

January Session, 2011

LCO No. 8089

**\*HB0553008089SR0\***

Offered by:

SEN. MCLACHLAN, 24<sup>th</sup> Dist.

SEN. MARKLEY, 16<sup>th</sup> Dist.

SEN. SUZIO, 13<sup>th</sup> Dist.

To: House Bill No. 5530

File No. 347

Cal. No. 618

**"AN ACT CONCERNING DISSECTION CHOICE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 19a-600 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

7 (1) "Counselor" means: (A) A psychiatrist, (B) a psychologist  
8 licensed under chapter 383, (C) a clinical social worker licensed under  
9 chapter 383b, (D) a marital and family therapist licensed under chapter  
10 383a, (E) an ordained member of the clergy, (F) a physician assistant  
11 licensed under section 20-12b, (G) a nurse-midwife licensed under  
12 chapter 377, (H) a certified guidance counselor, (I) a registered  
13 professional nurse licensed under chapter 378, or (J) a practical nurse

14 licensed under chapter 378.

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

17 Sec. 502. Section 19a-601 of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

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

26 (2) Explain that the minor may withdraw a decision to have an  
27 abortion at any time before the abortion is performed or may  
28 reconsider a decision not to have an abortion at any time within the  
29 time period during which an abortion may legally be performed;

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

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

42 [(5) Discuss the possibility of involving the minor's parents,  
43 guardian or other adult family members in the minor's decision-

44 making concerning the pregnancy and whether the minor believes that  
45 involvement would be in the minor's best interests; and]

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

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

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

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

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

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

73 (2) The minor has received an explanation that the minor may

74 withdraw an abortion decision or reconsider a decision to carry a  
75 pregnancy to term;

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

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

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

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

91 (7) The minor has been given an adequate opportunity to ask  
92 questions.

93 (c) The person providing the information and counseling shall also  
94 sign and date the form and shall include such person's business  
95 address and business telephone number. The person shall keep a copy  
96 for such minor's medical record and shall give the form to the minor  
97 or, if the minor requests and if such person is not the attending  
98 physician, transmit the form to the minor's attending physician. Such  
99 medical record shall be maintained as otherwise provided by law.

100 (d) The provision of pregnancy information and counseling by a  
101 physician or counselor which is evidenced in writing containing the  
102 information and statements provided in this section and which is  
103 signed by the minor shall be presumed to be evidence of compliance

104 with the requirements of this section.

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

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

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

132 (B) If the court finds, by clear and convincing evidence, that there is  
133 a pattern of physical, sexual or emotional abuse of the minor by one or  
134 both of her parents or her guardian, or that the notification of a parent  
135 or guardian is not in the best interest of the minor, the court shall issue

136 an order authorizing the minor to consent to the performance of an  
137 abortion without such required notifications. If the court does not  
138 make the finding specified in this subparagraph or in subparagraph  
139 (A) of this subdivision, it shall dismiss the petition.

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