



General Assembly

Amendment

January Session, 2017

LCO No. 8902



Offered by:
REP. SAMPSON, 80th Dist.

To: Subst. Senate Bill No. 586 File No. 242 Cal. No. 619

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

**"AN ACT EXPANDING MANDATED HEALTH BENEFITS FOR
WOMEN, CHILDREN AND ADOLESCENTS."**

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 Section 19a-600 of the general statutes is repealed and the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, 2017*):

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

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 Section 19a-601 of the general statutes is repealed and the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, 2017*):

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 a
47 parent, legal guardian or other specified person:

48 (A) Except as provided in subparagraph (B) of this subdivision, the
49 physician or counselor shall provide written notice that a pregnant
50 unemancipated minor is seeking an abortion to at least one parent or
51 legal guardian of such minor not less than forty-eight hours prior to
52 the performance of an abortion on such minor.

53 (B) If a pregnant unemancipated minor declares in a signed written
54 statement that she is a victim of neglect, sexual abuse or physical abuse
55 by either of her parents or her legal guardian, the individual providing
56 information and counseling shall provide the written notice required
57 pursuant to subparagraph (A) of this subdivision to one of the
58 following individuals specified by such minor: (i) Such minor's sibling,
59 who is twenty-one years of age or older, stepparent or grandparent, or
60 (ii) if no such familial relationship exists, to some other person who is
61 aged twenty-one years of age or older; 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 notification requirements set forth in subdivision (5) of subsection (a)
87 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) Except as provided in this subsection, no physician shall
106 perform an abortion until a copy of the written notice required
107 pursuant to subparagraph (A) of subdivision (5) of subsection (a) of
108 this section, certifying that the individual providing the information
109 and counseling has provided written notice to at least one parent or
110 legal guardian of such minor, is received by such physician. If the
111 physician performing the abortion receives a signed statement
112 pursuant to subparagraph (B) of subdivision (5) of subsection (a) of
113 this section, such physician shall certify in the minor's medical record
114 that such physician has received such statement. Any physician
115 relying in good faith on such statement shall not be civilly or
116 criminally liable for failure to give the notice required pursuant to
117 subparagraph (A) of subdivision (5) of subsection (a) of this section.

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

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

134 (B) If the court finds, by clear and convincing evidence, that there is

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

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

150 Sec. 503. (NEW) (*Effective October 1, 2017*) A physician or counselor
 151 who intentionally and wilfully fails to comply with the requirements
 152 of section 19a-601 of the general statutes, as amended by this act, shall
 153 be guilty of a class D felony and be sentenced in accordance with
 154 section 53a-35a of the general statutes."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2017</i>	19a-600
Sec. 502	<i>October 1, 2017</i>	19a-601
Sec. 503	<i>October 1, 2017</i>	New section