

76-7-304 Considerations by physician -- Notice to a parent or guardian -- Exceptions.

- (1) As used in this section:
 - (a) "abuse" is as defined in Section 78A-6-105; and
 - (b) "minor" means a person who is:
 - (i) under 18 years of age;
 - (ii) unmarried; and
 - (iii) not emancipated.
- (2) To enable the physician to exercise the physician's best medical judgment, the physician shall consider all factors relevant to the well-being of the woman upon whom the abortion is to be performed including:
 - (a) her physical, emotional and psychological health and safety;
 - (b) her age; and
 - (c) her familial situation.
- (3) Subject to Subsection (4), at least 24 hours before a physician performs an abortion on a minor, the physician shall notify a parent or guardian of the minor that the minor intends to have an abortion.
- (4) A physician is not required to comply with Subsection (3) if:
 - (a) subject to Subsection (5)(a):
 - (i) a medical condition exists that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant minor as to necessitate the abortion of her pregnancy to avert:
 - (A) the minor's death; or
 - (B) a serious risk of substantial and irreversible impairment of a major bodily function of the minor; and
 - (ii) there is not sufficient time to give the notice required under Subsection (3) before it is necessary to terminate the minor's pregnancy in order to avert the minor's death or impairment described in Subsection (4)(a)(i);
 - (b) subject to Subsection (5)(b):
 - (i) the physician complies with Subsection (6); and
 - (ii)
 - (A) the minor is pregnant as a result of incest to which the parent or guardian was a party; or
 - (B) the parent or guardian has abused the minor; or
 - (c) subject to Subsection (5)(b), the parent or guardian has not assumed responsibility for the minor's care and upbringing.
- (5)
 - (a) If, for the reason described in Subsection (4)(a), a physician does not give the 24-hour notice described in Subsection (3), the physician shall give the required notice as early as possible before the abortion, unless it is necessary to perform the abortion immediately in order to avert the minor's death or impairment described in Subsection (4)(a)(i).
 - (b) If, for a reason described in Subsection (4)(b) or (c), a parent or guardian of a minor is not notified that the minor intends to have an abortion, the physician shall notify another parent or guardian of the minor, if the minor has another parent or guardian that is not exempt from notification under Subsection (4)(b) or (c).
- (6) If, for a reason described in Subsection (4)(b)(ii)(A) or (B), a physician does not notify a parent or guardian of a minor that the minor intends to have an abortion, the physician shall report the incest or abuse to the Division of Child and Family Services within the Department of Human Services.

Amended by Chapter 299, 2008 General Session