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**ABORTION BY A MINOR - PARENTAL  
NOTIFICATION AND CONSENT**

2006 GENERAL SESSION  
STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill amends the Utah Criminal Code, the Utah Human Services Code, and the Utah Health Care Malpractice Act to require parental consent and notification for abortions performed upon minors, subject to certain exceptions.

**Highlighted Provisions:**

- This bill:
  - ▶ defines terms;
  - ▶ provides that a written report of incest or abuse made in connection with a minor

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35 seeking an abortion may not disclose that the minor obtained or considered an abortion;

36       ▶ requires that at least 24 hours before a physician performs an abortion on a minor,

37 the physician shall notify a parent or guardian of the minor that the minor intends to

38 have an abortion, unless:

39       • a medical emergency exists;

40       • the physician reports that the parent or guardian abused the minor or caused the

41 minor's pregnancy by engaging in incest with the minor; or

42       • the parent or guardian has not assumed responsibility for the minor's care and

43 upbringing;

44       ▶ provides that, in a medical emergency, except when it is necessary to immediately

45 perform an abortion, the physician shall notify a parent or guardian of the minor, as

46 early as possible before the abortion, that the minor intends to have an abortion;

47       ▶ removes the requirement that a physician notify the spouse of a married woman that

48 she intends to obtain an abortion;

49       ▶ requires that a minor obtain parental consent before obtaining an abortion unless:

50       • the minor obtains the right, by court order, to consent to an abortion without

51 parental consent; or

52       • a medical emergency exists;

53       ▶ provides that a minor may petition a court to determine whether a minor should be

54 granted the right to consent to an abortion without parental consent;

55       ▶ provides that the proceedings described above are closed to the public;

56       ▶ provides that a court shall order that a minor may consent to an abortion without

57 parental consent only if the court finds by a preponderance of the evidence that:

58       • the minor is mature and capable of giving informed consent to the abortion and

59 has given her informed consent; or

60       • an abortion would be in the minor's best interest;

61       ▶ grants rulemaking authority to the Judicial Council to:

62       • administer the proceedings described in this bill;

- 63           • provide for an appeal of a decision described in the preceding paragraph;
- 64           • ensure the confidentiality of proceedings described in this bill and the records
- 65 relating to the proceedings; and
- 66           • establish procedures to expedite the hearing and appeal proceedings described in
- 67 this bill;
- 68           ▶ amends the Utah Health Care Malpractice Act and related provisions to conform to
- 69 the consent requirements of this bill; and
- 70           ▶ makes technical changes.

71 **Monies Appropriated in this Bill:**

72           None

73 **Other Special Clauses:**

74           None

75 **Utah Code Sections Affected:**

76 AMENDS:

- 77           **62A-4a-408**, as renumbered and amended by Chapter 260, Laws of Utah 1994
- 78           **76-7-304**, as enacted by Chapter 33, Laws of Utah 1974
- 79           **76-7-305**, as last amended by Chapter 221, Laws of Utah 1997
- 80           **76-7-305.5**, as last amended by Chapter 13, Laws of Utah 1998
- 81           **76-7-315**, as last amended by Chapter 5, Laws of Utah 1996, Second Special Session
- 82           **78-14-5**, as last amended by Chapter 9, Laws of Utah 2001

83 ENACTS:

- 84           **76-7-304.5**, Utah Code Annotated 1953



86 *Be it enacted by the Legislature of the state of Utah:*

87           Section 1. Section **62A-4a-408** is amended to read:

88           **62A-4a-408. Written reports.**

89           (1) Reports made pursuant to this part shall be followed by a written report within 48  
90 hours, if requested by the division. The division shall immediately forward a copy of that

91 report to the statewide central register, on forms supplied by the register.

92 (2) If, in connection with an intended or completed abortion by a minor, a physician is  
93 required to make a report of incest or abuse of a minor, the report may not include information  
94 that would in any way disclose that the report was made in connection with:

95 (a) an abortion; or

96 (b) a consultation regarding an abortion.

97 Section 2. Section **76-7-304** is amended to read:

98 **76-7-304. Considerations by physician -- Notice to a parent or guardian --**

99 **Exceptions.**

100 (1) As used in this section:

101 (a) "abuse" is as defined in Section 62A-4a-101; and

102 (b) "minor" means a person who is:

103 (i) under 18 years of age;

104 (ii) unmarried; and

105 (iii) not emancipated.

106 (2) To enable the physician to exercise [his] the physician's best medical judgment,  
107 [he] the physician shall[:-(1) Consider] consider all factors relevant to the well-being of the  
108 woman upon whom the abortion is to be performed including[:but not limited to,];

109 (a) her physical, emotional and psychological health and safety[:];

110 (b) her age[:]; and

111 (c) her familial situation.

112 ~~(2) Notify, if possible, the parents or guardian of the woman upon whom the abortion~~  
113 ~~is to be performed, if she is a minor or the husband of the woman, if she is married.]~~

114 (3) Subject to Subsection (4), at least 24 hours before a physician performs an abortion  
115 on a minor, the physician shall notify a parent or guardian of the minor that the minor intends  
116 to have an abortion.

117 (4) A physician is not required to comply with Subsection (3) if:

118 (a) subject to Subsection (5)(a):

119 (i) a medical condition exists that, on the basis of the physician's good faith clinical  
120 judgment, so complicates the medical condition of a pregnant minor as to necessitate the  
121 abortion of her pregnancy to avert:

122 (A) the minor's death; or

123 (B) a serious risk of substantial and irreversible impairment of a major bodily function  
124 of the minor; and

125 (ii) there is not sufficient time to give the notice required under Subsection (3) before it  
126 is necessary to terminate the minor's pregnancy in order to avert the minor's death or  
127 impairment described in Subsection (4)(a)(i);

128 (b) subject to Subsection (5)(b):

129 (i) the physician complies with Subsection (6); and

130 (ii) (A) the minor is pregnant as a result of incest to which the parent or guardian was a  
131 party; or

132 (B) the parent or guardian has abused the minor; or

133 (c) subject to Subsection (5)(b), the parent or guardian has not assumed responsibility  
134 for the minor's care and upbringing.

135 (5) (a) If, for the reason described in Subsection (4)(a), a physician does not give the  
136 24-hour notice described in Subsection (3), the physician shall give the required notice as early  
137 as possible before the abortion, unless it is necessary to perform the abortion immediately in  
138 order to avert the minor's death or impairment described in Subsection (4)(a)(i).

139 (b) If, for a reason described in Subsection (4)(b) or (c), a parent or guardian of a minor  
140 is not notified that the minor intends to have an abortion, the physician shall notify another  
141 parent or guardian of the minor, if the minor has another parent or guardian that is not exempt  
142 from notification under Subsection (4)(b) or (c).

143 (6) If, for a reason described in Subsection (4)(b)(ii)(A) or (B), a physician does not  
144 notify a parent or guardian of a minor that the minor intends to have an abortion, the physician  
145 shall report the incest or abuse to the Division of Child and Family Services within the  
146 Department of Human Services.

147 Section 3. Section **76-7-304.5** is enacted to read:

148 **76-7-304.5. Consent required for abortions performed on minors -- Hearing to**  
149 **allow a minor to self-consent -- Appeals.**

150 (1) As used in this section, "minor" is as defined in Subsection 76-7-304(1).

151 (2) In addition to the other requirements of this part, a physician may not perform an  
152 abortion on a minor unless:

153 (a) the physician obtains the informed written consent of a parent or guardian of the  
154 minor, consistent with Section 76-7-305;

155 (b) the minor is granted the right, by court order under Subsection (5)(b), to consent to  
156 the abortion without obtaining consent from a parent or guardian; or

157 (c) (i) a medical condition exists that, on the basis of the physician's good faith clinical  
158 judgment, so complicates the medical condition of a pregnant minor as to necessitate the  
159 abortion of her pregnancy to avert:

160 (A) the minor's death; or

161 (B) a serious risk of substantial and irreversible impairment of a major bodily function  
162 of the minor; and

163 (ii) there is not sufficient time to obtain the consent in the manner chosen by the minor  
164 under Subsection (3) before it is necessary to terminate the minor's pregnancy in order to avert  
165 the minor's death or impairment described in Subsection (2)(c)(i).

166 (3) A pregnant minor who wants to have an abortion may choose:

167 (a) to seek consent from a parent or guardian under Subsection (2)(a); or

168 (b) to seek a court order under Subsection (2)(b).

169 (4) If a pregnant minor fails to obtain the consent of a parent or guardian of the minor  
170 to the performance of an abortion, or if the minor chooses not to seek the consent of a parent or  
171 guardian, the minor may file a petition with the juvenile court to obtain a court order under  
172 Subsection (2)(b).

173 (5) (a) A hearing on a petition described in Subsection (4) shall be closed to the public.

174 (b) After considering the evidence presented at the hearing, the court shall order that

175 the minor may obtain an abortion without the consent of a parent or guardian of the minor if  
176 the court finds by a preponderance of the evidence that:

- 177 (i) the minor:
  - 178 (A) has given her informed consent to the abortion; and
  - 179 (B) is mature and capable of giving informed consent to the abortion; or
- 180 (ii) an abortion would be in the minor's best interest.
- 181 (6) The Judicial Council shall make rules that:
  - 182 (a) provide for the administration of the proceedings described in this section;
  - 183 (b) provide for the appeal of a court's decision under this section;
  - 184 (c) ensure the confidentiality of the proceedings described in this section and the  
185 records related to the proceedings; and
  - 186 (d) establish procedures to expedite the hearing and appeal proceedings described in  
187 this section.

188 Section 4. Section **76-7-305** is amended to read:

189 **76-7-305. Informed consent requirements for abortion -- 24-hour wait mandatory**  
190 **-- Emergency exceptions.**

191 (1) No abortion may be performed unless a voluntary and informed written consent,  
192 consistent with Section 8.08 of the American Medical Association's Code of Medical Ethics,  
193 Current Opinions, and the provisions of this section is first obtained by the attending physician  
194 from the woman upon whom the abortion is to be performed.

195 (2) Except in the case of a medical emergency, consent to an abortion is voluntary and  
196 informed only if:

197 (a) at least 24 hours prior to the abortion, the physician who is to perform the abortion,  
198 the referring physician, a registered nurse, nurse practitioner, advanced practice registered  
199 nurse, certified nurse midwife, or physician's assistant [~~shall~~], in a face-to-face consultation,  
200 orally [~~inform~~] informs the woman of:

201 (i) consistent with Subsection (3)(a), the nature of the proposed abortion procedure or  
202 treatment, specifically how that procedure will affect the fetus, and the risks and alternatives to

203 an abortion procedure or treatment that any person would consider material to the decision of  
204 whether or not to undergo an abortion[~~— The alternatives required to be provided under this~~  
205 ~~subsection shall include a description of adoption services, including private and agency~~  
206 ~~adoption methods, and a statement that it is legal for adoptive parents to financially assist in~~  
207 ~~pregnancy and birth expenses];~~

208 (ii) the probable gestational age and a description of the development of the unborn  
209 child at the time the abortion would be performed; and

210 (iii) the medical risks associated with carrying her child to term;

211 (b) at least 24 hours prior to the abortion the physician who is to perform the abortion,  
212 the referring physician, or, as specifically delegated by either of those physicians, a registered  
213 nurse, licensed practical nurse, certified nurse-midwife, advanced practice registered nurse,  
214 clinical laboratory technologist, psychologist, marriage and family therapist, clinical social  
215 worker, or certified social worker has orally, in a face-to-face consultation, informed the  
216 pregnant woman that:

217 (i) the Department of Health, in accordance with Section 76-7-305.5, publishes printed  
218 material and an informational video that:

219 (A) provides medically accurate information regarding all abortion procedures that may  
220 be used;

221 (B) describes the gestational stages of an unborn child; and

222 (C) includes information regarding public and private services and agencies available  
223 to assist her through pregnancy, at childbirth, and while the child is dependent, including  
224 private and agency adoption alternatives; ~~[and]~~

225 (ii) the printed material and a viewing of or a copy of the informational video shall be  
226 provided to her free of charge;

227 (iii) medical assistance benefits may be available for prenatal care, childbirth, and  
228 neonatal care, and that more detailed information on the availability of that assistance is  
229 contained in the printed materials and the informational video published by the Department of  
230 Health;

231 (iv) except as provided in Subsection (3)(b), the father of the unborn child is legally  
232 required to assist in the support of her child, even in instances where he has offered to pay for  
233 the abortion, and that the Office of Recovery Services within the Department of Human  
234 Services will assist her in collecting child support[~~-. In the case of rape, this information may~~  
235 ~~be omitted~~]; and

236 (v) she has the right to view an ultrasound of the unborn child, at no expense to her,  
237 upon her request;

238 (c) the information required to be provided to the pregnant woman under Subsection  
239 (2)(a) is also provided by the physician who is to perform the abortion, in a face-to-face  
240 consultation, prior to performance of the abortion, unless the attending or referring physician  
241 [was] is the individual [~~providing~~] who provides the information required under Subsection  
242 (2)(a);

243 (d) a copy of the printed materials published by the Department of Health has been  
244 provided to the pregnant woman;

245 (e) the informational video, published by the Department of Health, has been provided  
246 to the pregnant woman in accordance with Subsection [~~(2)~~] (4); and

247 (f) the pregnant woman has certified in writing, prior to the abortion, that the  
248 information required to be provided under Subsections (2)(a)[~~-, (b), (c), (d), and~~] through (e)  
249 was provided, in accordance with the requirements of those subsections.

250 (3) (a) The alternatives required to be provided under Subsection (2)(a)(i) shall include:

251 (i) a description of adoption services, including private and agency adoption methods;  
252 and

253 (ii) a statement that it is legal for adoptive parents to financially assist in pregnancy and  
254 birth expenses.

255 (b) The information described in Subsection (2)(b)(iv) may be omitted from the  
256 information required to be provided to a pregnant woman under this section if the woman is  
257 pregnant as the result of rape.

258 [~~(2)~~] (4) When the informational video described in Section 76-7-305.5 is provided to a

259 pregnant woman, the person providing the information shall first request that the woman view  
260 the video at that time or at another specifically designated time and location. If the woman  
261 chooses not to do so, a copy of the video shall be provided to her.

262 ~~[(3)]~~ (5) When a serious medical emergency compels the performance of an abortion,  
263 the physician shall inform the woman prior to the abortion, if possible, of the medical  
264 indications supporting ~~[his]~~ the physician's judgment that an abortion is necessary.

265 ~~[(4)]~~ (6) Any physician who violates the provisions of this section:

266 (a) is guilty of unprofessional conduct as defined in Section 58-67-102 or 58-68-102[;];  
267 and ~~[his license for the practice of medicine and surgery]~~

268 (b) shall be subject to suspension or revocation of the physician's license for the  
269 practice of medicine and surgery in accordance with Sections 58-67-401 and 58-67-402, Utah  
270 Medical Practice Act, or Sections 58-68-401 and 58-68-402, Utah Osteopathic Medical  
271 Practice Act.

272 ~~[(5)]~~ (7) A physician is not guilty of violating this section for failure to furnish any of  
273 the information described in Subsection ~~[(1)]~~ (2), if:

274 (a) ~~[he]~~ the physician can demonstrate by a preponderance of the evidence that ~~[he]~~ the  
275 physician reasonably believed that furnishing the information would have resulted in a severely  
276 adverse effect on the physical or mental health of the pregnant woman;

277 (b) in ~~[his]~~ the physician's professional judgment, the abortion was necessary to save  
278 the pregnant woman's life;

279 (c) the pregnancy was the result of rape or rape of a child, as defined in Sections  
280 76-5-402 and 76-5-402.1;

281 (d) the pregnancy was the result of incest, as defined in Subsection 76-5-406(10) and  
282 Section 76-7-102;

283 (e) in his professional judgment the abortion was to prevent the birth of a child who  
284 would have been born with grave defects; or

285 (f) the pregnant woman was 14 years of age or younger.

286 ~~[(6)]~~ (8) A physician who complies with the provisions of this section and Section

287 76-7-304.5 may not be held civilly liable to [his] the physician's patient for failure to obtain  
288 informed consent under Section 78-14-5.

289 Section 5. Section **76-7-305.5** is amended to read:

290 **76-7-305.5. Requirements for printed materials and informational video --**  
291 **Annual report of Department of Health.**

292 (1) In order to insure that a woman's consent to an abortion is truly an informed  
293 consent, the Department of Health shall publish printed materials and produce an informational  
294 video in accordance with the requirements of this section. The department and each local  
295 health department shall make those materials and a viewing of the video available at no cost to  
296 any person. The printed material and the informational video shall be comprehensible and  
297 contain all of the following:

298 (a) geographically indexed materials informing the woman of public and private  
299 services and agencies available to assist her, financially and otherwise, through pregnancy, at  
300 childbirth, and while the child is dependent, including services and supports available under  
301 Section 35A-3-308. Those materials shall contain a description of available adoption services,  
302 including a comprehensive list of the names, addresses, and telephone numbers of public and  
303 private agencies and private attorneys whose practice includes adoption, and explanations of  
304 possible available financial aid during the adoption process. The information regarding  
305 adoption services shall include the fact that private adoption is legal, and that the law permits  
306 adoptive parents to pay the costs of prenatal care, childbirth, and neonatal care. The printed  
307 information and video shall present adoption as a preferred and positive choice and alternative  
308 to abortion. The department may, at its option, include printed materials that describe the  
309 availability of a toll-free 24-hour telephone number that may be called in order to obtain,  
310 orally, the list and description of services, agencies, and adoption attorneys in the locality of the  
311 caller;

312 (b) truthful and nonmisleading descriptions of the probable anatomical and  
313 physiological characteristics of the unborn child at two-week gestational increments from  
314 fertilization to full term, accompanied by pictures or video segments representing the

315 development of an unborn child at those gestational increments. The descriptions shall include  
316 information about brain and heart function and the presence of external members and internal  
317 organs during the applicable stages of development. Any pictures used shall contain the  
318 dimensions of the fetus and shall be realistic and appropriate for that woman's stage of  
319 pregnancy. The materials shall be designed to convey accurate scientific information about an  
320 unborn child at the various gestational ages, and to convey the state's preference for childbirth  
321 over abortion;

322 (c) truthful, nonmisleading descriptions of abortion procedures used in current medical  
323 practice at the various stages of growth of the unborn child, the medical risks commonly  
324 associated with each procedure, including those related to subsequent childbearing, the  
325 consequences of each procedure to the fetus at various stages of fetal development, the possible  
326 detrimental psychological effects of abortion, and the medical risks associated with carrying a  
327 child to term;

328 (d) any relevant information on the possibility of an unborn child's survival at the  
329 two-week gestational increments described in Subsection (1)(b);

330 (e) information on the availability of medical assistance benefits for prenatal care,  
331 childbirth, and neonatal care;

332 (f) a statement conveying that it is unlawful for any person to coerce a woman to  
333 undergo an abortion;

334 (g) a statement conveying that any physician who performs an abortion without  
335 obtaining the woman's informed consent or without according her a private medical  
336 consultation in accordance with the requirements of this section, may be liable to her for  
337 damages in a civil action at law;

338 (h) a statement conveying that the state of Utah prefers childbirth over abortion; and

339 (i) information regarding the legal responsibility of the father to assist in child support,  
340 even in instances where he has agreed to pay for an abortion, including a description of the  
341 services available through the Office of Recovery Services, within the Department of Human  
342 Services, to establish and collect that support.

343           (2) (a) The materials described in Subsection (1) shall be produced and printed in a  
344 way that conveys the state's preference for childbirth over abortion.

345           (b) The printed material described in Subsection (1) shall be printed in a typeface large  
346 enough to be clearly legible.

347           (3) Every facility in which abortions are performed shall immediately provide the  
348 printed informed consent materials and a viewing of or a copy of the informational video  
349 described in Subsection (1) to any patient or potential patient prior to the performance of an  
350 abortion, unless the patient's attending or referring physician certifies in writing that he  
351 reasonably believes that provision of the materials or video to that patient would result in a  
352 severely adverse effect on her physical or mental health.

353           (4) The Department of Health shall produce a standardized videotape that may be used  
354 statewide, containing all of the information described in Subsection (1), in accordance with the  
355 requirements of that subsection and Subsection (2). In preparing the video, the department may  
356 summarize and make reference to the printed comprehensive list of geographically indexed  
357 names and services described in Subsection (1)(a). The videotape shall, in addition to the  
358 information described in Subsection (1), show an ultrasound of the heart beat of an unborn  
359 child at three weeks gestational age, at six to eight weeks gestational age, and each month  
360 thereafter, until 14 weeks gestational age. That information shall be presented in a truthful,  
361 nonmisleading manner designed to convey accurate scientific information, the state's  
362 preference for childbirth over abortion, and the positive aspects of adoption.

363           (5) The Department of Health and local health departments shall provide ultrasounds in  
364 accordance with the provisions of Subsection 76-7-305[~~(1)~~](2)(b), at no expense to the  
365 pregnant woman.

366           (6) The Department of Health shall compile and report the following information  
367 annually, preserving physician and patient anonymity:

368           (a) the total amount of informed consent material described in Subsection (1) that was  
369 distributed;

370           (b) the number of women who obtained abortions in this state without receiving those

371 materials;

372 (c) the number of statements signed by attending physicians certifying to his opinion  
373 regarding adverse effects on the patient under Subsection (3); and

374 (d) any other information pertaining to protecting the informed consent of women  
375 seeking abortions.

376 (7) The Department of Health shall annually report to the Health and Human Services  
377 Interim Committee regarding the information described in Subsection (6), and provide a copy  
378 of the printed materials and the videotape produced in accordance with this section to that  
379 committee.

380 Section 6. Section **76-7-315** is amended to read:

381 **76-7-315. Exceptions to certain requirements in serious medical emergencies.**

382 When due to a serious medical emergency, time does not permit compliance with  
383 Section 76-7-302, [~~76-7-304~~] 76-7-305, 76-7-305.5, or 76-7-310.5 the provisions of those  
384 sections do not apply.

385 Section 7. Section **78-14-5** is amended to read:

386 **78-14-5. Failure to obtain informed consent -- Proof required of patient --**

387 **Defenses -- Consent to health care.**

388 (1) When a person submits to health care rendered by a health care provider, it shall be  
389 presumed that what the health care provider did was either expressly or impliedly authorized to  
390 be done. For a patient to recover damages from a health care provider in an action based upon  
391 the provider's failure to obtain informed consent, the patient must prove the following:

392 (a) that a provider-patient relationship existed between the patient and health care  
393 provider;

394 (b) the health care provider rendered health care to the patient;

395 (c) the patient suffered personal injuries arising out of the health care rendered;

396 (d) the health care rendered carried with it a substantial and significant risk of causing  
397 the patient serious harm;

398 (e) the patient was not informed of the substantial and significant risk;

399 (f) a reasonable, prudent person in the patient's position would not have consented to  
400 the health care rendered after having been fully informed as to all facts relevant to the decision  
401 to give consent. In determining what a reasonable, prudent person in the patient's position  
402 would do under the circumstances, the finder of fact shall use the viewpoint of the patient  
403 before health care was provided and before the occurrence of any personal injuries alleged to  
404 have arisen from said health care; and

405 (g) the unauthorized part of the health care rendered was the proximate cause of  
406 personal injuries suffered by the patient.

407 (2) It shall be a defense to any malpractice action against a health care provider based  
408 upon alleged failure to obtain informed consent if:

409 (a) the risk of the serious harm which the patient actually suffered was relatively  
410 minor;

411 (b) the risk of serious harm to the patient from the health care provider was commonly  
412 known to the public;

413 (c) the patient stated, prior to receiving the health care complained of, that he would  
414 accept the health care involved regardless of the risk; or that he did not want to be informed of  
415 the matters to which he would be entitled to be informed;

416 (d) the health care provider, after considering all of the attendant facts and  
417 circumstances, used reasonable discretion as to the manner and extent to which risks were  
418 disclosed, if the health care provider reasonably believed that additional disclosures could be  
419 expected to have a substantial and adverse effect on the patient's condition; or

420 (e) the patient or his representative executed a written consent which sets forth the  
421 nature and purpose of the intended health care and which contains a declaration that the patient  
422 accepts the risk of substantial and serious harm, if any, in hopes of obtaining desired beneficial  
423 results of health care and which acknowledges that health care providers involved have  
424 explained his condition and the proposed health care in a satisfactory manner and that all  
425 questions asked about the health care and its attendant risks have been answered in a manner  
426 satisfactory to the patient or his representative; such written consent shall be a defense to an

427 action against a health care provider based upon failure to obtain informed consent unless the  
428 patient proves that the person giving the consent lacked capacity to consent or shows by clear  
429 and convincing proof that the execution of the written consent was induced by the defendant's  
430 affirmative acts of fraudulent misrepresentation or fraudulent omission to state material facts.

431 (3) Nothing contained in this act shall be construed to prevent any person 18 years of  
432 age or over from refusing to consent to health care for his own person upon personal or  
433 religious grounds.

434 (4) ~~[The]~~ Except as provided in Section 76-7-304.5, the following persons are  
435 authorized and empowered to consent to any health care not prohibited by law:

436 (a) any parent, whether an adult or a minor, for ~~[his]~~ the parent's minor child;

437 (b) any married person, for a spouse;

438 (c) any person temporarily standing in loco parentis, whether formally serving or not,  
439 for the minor under ~~[his]~~ that person's care and any guardian for ~~[his]~~ the guardian's ward;

440 (d) any person 18 years of age or over for ~~[his or her]~~ that person's parent who is unable  
441 by reason of age, physical or mental condition, to provide such consent;

442 (e) any patient 18 years of age or over;

443 (f) any female regardless of age or marital status, when given in connection with her  
444 pregnancy or childbirth;

445 (g) in the absence of a parent, any adult for ~~[his]~~ the adult's minor brother or sister; and

446 (h) in the absence of a parent, any grandparent for ~~[his]~~ the grandparent's minor  
447 grandchild.

448 (5) No person who in good faith consents or authorizes health care treatment or  
449 procedures for another as provided by this act shall be subject to civil liability.