

# 1st Sub. H.B. 85

## ABORTION BY A MINOR - PARENTAL NOTIFICATION AND CONSENT

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

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Representative **David Litvack** proposes the following amendments:

1. *Page 2, Lines 37 through 44:*

- 37           ▶       requires that at least 24 hours before a physician performs an abortion on a minor,  
38 the physician shall notify a parent or guardian of the minor that the minor intends to  
39 have an abortion, unless:
- 40           •       a medical emergency exists;
  - 41           •       the parent or guardian abused the woman or caused the woman's pregnancy by  
42 engaging in incest with the woman; ~~{or}~~
  - 43           •       the parent or guardian has not assumed responsibility for the minor's care and  
44 upbringing; or
    - **the minor obtains the right, by court order, to consent to an abortion without parental consent;**

2. *Page 2, Lines 50 through 53:*

- 50           ▶       requires that a minor obtain parental consent before obtaining an abortion unless:
- 51           •       the minor obtains the right, by court order, to consent to an abortion without  
52 parental consent; ~~{or}~~
  - 53           •       a medical emergency exists; or
    - **the parent or guardian has abused the minor or caused the minor's pregnancy by engaging in incest with the minor;**

3. *Page 2, Lines 57 through 61:*

- 57           ▶       provides that a court shall order that a minor may consent to an abortion without  
58 parental consent only if the court finds by a preponderance of the evidence that:
- 59           •       the minor is mature and capable of giving informed consent to the abortion and  
60 has given her informed consent; ~~{or}~~
  - 61           •       an abortion would be in the minor's best interest; or
    - **each parent of the minor has abused the minor, engaged in incest with the minor, or has not assumed responsibility for the minor's care and upbringing;**

4. Page 4, Line 118 through Page 5, Line 134:

- 118 (4) A physician is not required to comply with Subsection (3) if:  
119 (a) subject to Subsection (5)(a):  
120 (i) a medical condition exists that, on the basis of the physician's good faith clinical  
121 judgment, so complicates the medical condition of a pregnant minor as to necessitate the  
122 abortion of her pregnancy to avert:  
123 (A) the minor's death; or  
124 (B) a serious risk of substantial and irreversible impairment of a major bodily function  
125 of the minor; and  
126 (ii) there is not sufficient time to give the notice required under Subsection (3) before it  
127 is necessary to terminate the minor's pregnancy in order to avert the minor's death or  
128 impairment described in Subsection (4)(a)(i):  
129 (b) subject to Subsection (5)(b):  
130 (i) the minor is pregnant as a result of incest to which the parent or guardian was a  
131 party; or  
132 (ii) 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 ~~{.}~~ ~~; or~~  
**(d) the court enters an order under Subsection 76-7-304.5(5)(b).**

5. Page 5, Line 147 through Page 6, Line 160:

- 147 (2) In addition to the other requirements of this part, an abortion may not be performed  
148 on a minor unless:  
149 (a) the minor obtains the informed written consent of a parent or guardian of the minor;  
150 (b) the minor is granted the right, by court order under Subsection (5)(b), to consent to  
151 the abortion without obtaining consent from a parent or guardian; ~~{or}~~  
152 (c) (i) a medical condition exists that, on the basis of the physician's good faith clinical  
153 judgment, so complicates the medical condition of a pregnant minor as to necessitate the  
154 abortion of her pregnancy to avert:  
155 (A) the minor's death; or  
156 (B) a serious risk of substantial and irreversible impairment of a major bodily function  
157 of the minor; and  
158 (ii) there is not sufficient time to obtain the consent in the manner chosen by the minor  
159 under Subsection (3) before it is necessary to terminate the minor's pregnancy in order to avert  
160 the minor's death or impairment described in Subsection (2)(c)(i) ~~{.}~~ ~~; or~~  
**(d) subject to Subsection (7):**  
**(i) the minor is pregnant as a result of incest to which a parent or guardian of the minor was a**  
**party; or**  
**(ii) a parent or guardian of the minor has abused the minor.**

6. Page 6, Lines 169 through 175:

169 (b) After considering the evidence presented at the hearing, the court shall order that  
170 the minor may obtain an abortion without the consent of a parent or guardian of the minor if  
171 the court finds by a preponderance of the evidence that:

172 (i) the minor:

173 (A) has given her informed consent to the abortion; and

174 (B) is mature and capable of giving informed consent to the abortion: ~~{or}~~

175 (ii) an abortion would be in the minor's best interest ~~{.~~ : or

(iii) each parent or guardian of the minor:

(A) has abused the minor;

(B) has engaged in incest with the minor; or

(C) has not assumed responsibility for the minor's care and upbringing.

7. Page 6, Line 182:

182 this section.

(7) The exception described in Subsection (2)(d) does not apply if there is a parent or guardian of the minor who has not engaged in the conduct described in Subsection (2)(d)(ii) with respect to the minor, unless the parent or guardian has not assumed responsibility for the minor's care and upbringing.