

# 1st Sub. H.B. 85

## ABORTION BY A MINOR - PARENTAL NOTIFICATION AND CONSENT

SENATE FLOOR AMENDMENTS

AMENDMENT 9

FEBRUARY 22, 2006 2:42 PM

Senator **Scott D. McCoy** proposes the following amendments:

1. *Page 2, Lines 42 through 44*

*House Floor Amendments*

*1-27-2006:*

42 engaging in incest with the ~~H→~~ [woman] minor ~~←H~~ ; ~~{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 consent from a parent or guardian and the court makes a finding that notification of a parent or guardian of the minor poses a risk to the health or safety of the minor;

2. *Page 4, Line 115 through Page 5, Line 134:*

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

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) ~~H→~~ the physician complies with Subsection (6); and

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

132 ~~H→~~ [(ii)] (B) ~~←H~~ 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) a court:**

**(i) enters an order under Subsection 76-7-304.5(5)(b); and**

**(ii) makes a finding that notification of a parent or guardian of the minor poses a risk to the health or safety of the minor.**