

HEALTH CARE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the use of public funds for contraceptives.

Highlighted Provisions:

This bill:

- ▶ removes a prohibition against using public funds to provide contraceptive services to minors without consent from the minor's parent or guardian;
- ▶ amends provisions relating to the provision of contraceptives to minors; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-7-321, as last amended by Laws of Utah 1995, Chapter 20

76-7-322, as last amended by Laws of Utah 1988, Chapter 50

76-7-323, as last amended by Laws of Utah 1988, Chapter 50

76-7-325, as enacted by Laws of Utah 1983, Chapter 94

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



28 Section 1. Section **76-7-321** is amended to read:

29 **76-7-321. Definitions.**

30 As used in Sections **76-7-321** through **76-7-325**:

31 (1) "Abortion services" means any material, program, plan, or undertaking which seeks
32 to promote abortion, encourages individuals to obtain an abortion, or provides abortions.

33 [~~(2) "Contraceptive services" means any material, program, plan, or undertaking that is
34 used for instruction on the use of birth control devices and substances, encourages individuals
35 to use birth control methods, or provides birth control devices.~~]

36 (2) "Contraceptive" means an appliance, drug, or medical preparation intended or
37 having special utility for prevention of conception.

38 (3) "Funds" means any money, supply, material, building, or project provided by this
39 state or its political subdivisions.

40 (4) "Health care provider" means the same as that term is defined in Section
41 78B-3-403.

42 [~~(4)~~] (5) "Minor" means any person under the age of 18 who is not otherwise
43 emancipated, married, or a member of the armed forces of the United States.

44 Section 2. Section **76-7-322** is amended to read:

45 **76-7-322. Public funds for provision of abortion services restricted.**

46 No funds of the state or its political subdivisions shall be used to provide [~~contraceptive~~
47 ~~or~~] abortion services to an unmarried minor without the prior written consent of the minor's
48 parent or guardian.

49 Section 3. Section **76-7-323** is amended to read:

50 **76-7-323. Public funds for support entities providing abortion services restricted.**

51 No agency of the state or its political subdivisions shall approve any application for
52 funds of the state or its political subdivisions to support, directly or indirectly, any organization
53 or health care provider that provides [~~contraceptive or~~] abortion services to an unmarried minor
54 without the prior written consent of the minor's parent or guardian. No institution shall be
55 denied state or federal funds under relevant provisions of law on the ground that a person on its
56 staff provides contraceptive or abortion services in that person's private practice outside of such
57 institution.

58 Section 4. Section **76-7-325** is amended to read:

59 **76-7-325. Notice to parent or guardian of minor requesting contraceptive --**
60 **Penalty for violation.**

61 (1) ~~[Any person before]~~ Before providing contraceptives to a minor, a health care
62 provider shall notify~~[, whenever possible,]~~ the minor's parents or guardian of the service
63 requested to be provided to such minor~~[- Contraceptives shall be defined as appliances~~
64 ~~(including but not limited to intrauterine devices), drugs, or medicinal preparations intended or~~
65 ~~having special utility for prevention of conception.]~~ unless the health care provider:

66 (a) determines that it would be detrimental to the health of the minor to withhold
67 contraceptives until parental consent can be obtained; and

68 (b) documents in the minor's medical record the reason that the health care provider
69 believes that requiring parental consent for the contraceptive would be detrimental to the health
70 of the minor.

71 ~~[(2) Any person in violation of this section shall be guilty of a class C misdemeanor.]~~

72 (2) A health care provider who violates this section is guilty of unprofessional conduct
73 under Section [58-1-501](#).