

132nd MAINE LEGISLATURE

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Legislative Document

No. 887

H.P. 573

House of Representatives, March 4, 2025

An Act to Make Manufacturers Responsible for Proper Disposal of Abortion Drugs and Require a Health Care Provider to Be Physically Present During a Chemical Abortion

Reference to the Committee on Judiciary suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative PAUL of Winterport. Cosponsored by Senator HAGGAN of Penobscot and

Representatives: GRIFFIN of Levant, HAGGAN of Hampden, JAVNER of Chester, QUINT of Hodgdon.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 22 MRSA §1599-B is enacted to read:
3	§1599-B. Chemical abortions requiring presence of health care provider
4 5	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
6 7 8	A. "Abortion drug" means any drug, medicine or other substance or any combination of drugs, medicines or substances when used to terminate a pregnancy with an intention other than to produce a live birth or remove a nonviable fetus.
9 10 11	B. "Attempt to provide," with respect to a chemical abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in the course of conduct planned to culminate in a chemical abortion.
12 13	C. "Catch kit" means a collection container designed to catch and hold medical waste or infectious waste, often used for collecting samples for testing.
14	D. "Chemical abortion" means an abortion effectuated with the use of an abortion drug.
15 16	E. "Health care provider" means a person licensed to prescribe prescription drugs under applicable federal and state laws.
17 18 19	F. "Medical waste bag" means a biohazardous waste container made to contain medical or biohazardous waste, also known as an infectious waste bag, health care waste bag or biohazard waste bag.
20 21	G. "Provide" means to dispense or provide an abortion drug or to otherwise make an abortion drug available to a patient.
22 23 24	2. Chemical abortions prohibited without physical presence of health care provider. A health care provider may not, in or affecting interstate or foreign commerce, knowingly provide or attempt to provide a chemical abortion without:
25	A. Physically examining the patient;
26	B. Being physically present at the location of the chemical abortion;
27 28	C. Scheduling a follow-up visit for the patient not to occur more than 7 days after the use or administration of the abortion drug to assess the patient's physical condition; and
29 30 31 32 33	D. Providing a catch kit and medical waste bag, including instructions for the patient to use the catch kit and medical waste bag and to return the catch kit and medical waste bag to the health care provider for proper disposal. A medical waste bag must be fluorescent orange or orange-red and have a label in a contrasting color affixed to its exterior stating "BIOHAZARD."
34	3. Violation. A person who violates this section commits a Class C crime.
35	4. Exceptions. This section does not apply to:
36 37 38	A. A chemical abortion that is necessary to save the life of the patient whose life is endangered by a physical disorder, physical illness or physical injury, including a life-endangering physical condition; or
39 40	B. A patient upon whom a chemical abortion is performed. A patient under this paragraph also may not be prosecuted for conspiracy to violate this section.

Sec. 2. 22 MRSA §1599-C is enacted to read:
§1599-C. Disposal of abortion drugs
1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
A. "Abortion drug" means any drug, medicine or other substance or any combination of drugs, medicines or substances when used to terminate a pregnancy with an intention other than to produce a live birth or remove a nonviable fetus.
B. "Chemical abortion" means an abortion effectuated with the use of an abortion drug.
C. "Endocrine disruptor" means a chemical that interferes with the hormones of a human body.
D. "Pathological waste" means the remains of a chemical abortion.
2. Proper disposal of discarded abortion drugs. A manufacturer of an abortion drug is responsible for the proper disposal of the abortion drug and mitigation of any release of an endocrine disruptor caused by the improper disposal of the abortion drug, including from the disposal of pathological waste.
3. Liability. If an endocrine disruptor resulting from the improper disposal of an abortion drug is detected in wastewater, the manufacturer of the abortion drug is responsible for cleanup and remediation of the wastewater and other necessary preventive measures.
4. Violation. A person who violates this section is subject to a civil penalty of \$20,000.
SUMMARY
This bill makes it a Class C crime to provide or attempt to provide an abortion drug to a patient without physically examining the patient, being physically present at the location of the abortion, scheduling a follow-up visit with the patient and providing the patient with a catch kit and medical waste bag. The bill also sets requirements for medical waste bags and makes manufacturers liable for the improper disposal of abortion drugs.