



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1249

H.P. 797

House of Representatives, March 21, 2023

**An Act to Protect the Quality of Care Provided via Telehealth by
Prohibiting Physicians from Prescribing Abortion-inducing Drugs
or Devices Through Telehealth or Other Electronic Communication**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PAUL of Winterport.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: ARATA of New Gloucester, ARDELL of Monticello, HAGGAN of
Hampden, HYMES of Waldo, JAVNER of Chester, LIBBY of Auburn, SMITH of Palermo,
Senator: GUERIN of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1598, sub-§1**, as amended by PL 2019, c. 262, §4, is further
3 amended to read:

4 **1. Policy.** It is the public policy of the State that the State not restrict a woman's
5 exercise of her private decision to terminate a pregnancy before viability except as provided
6 in section 1597-A or section 1600. After viability an abortion may be performed only when
7 it is necessary to preserve the life or health of the mother. It is also the public policy of the
8 State that all abortions may be performed only by a health care professional, as defined in
9 section 1596, subsection 1, paragraph C.

10 **Sec. 2. 22 MRSA §1600** is enacted to read:

11 **§1600. Prohibition on abortion-inducing drugs or devices**

12 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
13 following terms have the following meanings.

14 A. "Abortion" has the same meaning as in section 1598, subsection 2, paragraph A.

15 B. "Abortion-inducing drug" means a drug prescribed or dispensed with the intent of
16 inducing an abortion, including the off-label use of a drug known to have abortion-
17 inducing properties that is prescribed specifically with the intent to induce an abortion.

18 **2. Prohibitions.** A person may not:

19 A. Prescribe an abortion-inducing drug or a device designed to produce an abortion by
20 telehealth, telephone, the Internet or other type of digital communication; or

21 B. Ship an abortion-inducing drug or a device designed to produce an abortion by mail,
22 express delivery service or other means of interstate commerce.

23 **3. Violation.** A person who violates this section commits a Class C crime.

24 **4. Civil remedies.** A person who violates this section is subject to Maine law
25 governing civil liability for wrongful death and medical malpractice and is subject to any
26 relevant professional disciplinary proceeding.

27 **SUMMARY**

28 This bill prohibits the prescription of an abortion-inducing drug or a device designed
29 to produce an abortion by telehealth, telephone, the Internet or other type of digital
30 communication and the shipment of an abortion-inducing drug or a device designed to
31 produce an abortion by mail, express delivery service or other means of interstate
32 commerce and makes a violation of this prohibition a Class C crime and subjects a person
33 who violates the prohibition to civil liability for wrongful death and medical malpractice
34 and to any relevant professional disciplinary proceeding.