

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Update the Family Planning Statutes

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

Sec. 1. 22 MRSA §1902, as amended by PL 2001, c. 654, §1, is further amended to read:

§ 1902. Definitions

As used in this chapter, unless the context otherwise indicates, the following ~~words shall~~terms have the following meanings.

1. Contraceptive procedures. "Contraceptive procedures" means any medically accepted procedure to prevent ~~conception~~pregnancy when performed by or under the direction of a ~~physician~~health care practitioner on a requesting and consenting patient.

1-A. Comprehensive family life education. "Comprehensive family life education" means education in kindergarten to grade 12 regarding human development and sexuality, including education on family planning and sexually transmitted diseases, that is medically accurate and age appropriate; that respects community values and encourages parental communication; that develops skills in communication, decision making and conflict resolution; that contributes to healthy relationships; that promotes responsible sexual behavior with an emphasis on abstinence; that addresses the use of contraception; that promotes individual responsibility and involvement regarding sexuality; and that teaches skills for responsible decision making regarding sexuality.

2. Contraceptive supplies. "Contraceptive supplies" means those medically approved drugs, prescriptions, rhythm charts, devices and other items designed to prevent ~~conception~~pregnancy through chemical, mechanical, behavioral or other means.

3. Family planning. "Family planning" means informed and voluntary self-determination of desired family size and of the timing of child bearing based upon comprehensive knowledge of factors pertinent to this determination.

4. Family planning services. "Family planning services" means ~~counseling with trained personnel regarding family planning, contraceptive procedures and the treatment of infertility; distribution of literature relating to family planning, contraceptive procedures and the treatment of infertility; referral of patients to physicians or health agencies for consultation, examination, tests, medical treatment and prescription for the purposes of family planning, contraceptive procedures and treatment of infertility and provision of contraceptive procedures and contraceptive supplies by those qualified to do so under the laws of this State~~medically safe and effective sexual and reproductive health care and education that enable persons to freely plan their children, avoid unintended pregnancy and maintain reproductive and sexual health, including through the provision of contraceptive supplies, contraceptive

procedures and related counseling; the prevention and treatment of infertility; appropriate prenatal and obstetric care; the screening, testing, counseling and vaccinating for sexually transmitted infections; and other services necessary for reproductive and sexual health.

5. Physician. ~~"Physician" means any doctor of medicine or doctor of osteopathy duly licensed to practice his profession in this State.~~

5-A. Health care practitioner. "Health care practitioner" means an individual who is licensed, certified or otherwise authorized under the laws of the State to provide health care services.

6. Person. "Person" means any person regardless of sex, race, sexual orientation, gender identity, number of children, marital status, motive and citizenship.

Sec. 2. 22 MRSA §1903, as amended by PL 1981, c. 470, Pt. A, §73, is further amended to read:

§ 1903. Authority and policy

~~It shall be~~ is the policy and authority of this State that:

1. Availability. Family planning services ~~shall~~ must be readily and practicably available to all persons desiring and needing such services;

2. Consistent with public policy. The delivery of family planning services by duly authorized persons in all agencies and instrumentalities of this State is consistent with public policy;

3. Refusal. Nothing in this chapter ~~shall inhibit~~ inhibits a ~~physician~~ health care practitioner from refusing to furnish family planning services when the refusal is for medical reasons; and

4. Objections. ~~No~~ A private institution or ~~physician~~ health care practitioner or ~~no~~ agent or employee of such institution or physician ~~shall~~ may not be prohibited from refusing to provide family planning services when such refusal is based upon religious or conscientious objection.

Sec. 3. 22 MRSA §1907, as enacted by PL 1973, c. 624, §1, is amended to read:

§ 1907. Refusal

The refusal of any person to accept family planning services ~~shall~~ does not affect the right of ~~such~~ that person to receive public assistance or public health services or to ~~avail himself of~~ access any other public benefit. The employees of agencies engaged in the administration of this chapter shall recognize that the right to make decisions concerning family planning is a fundamental personal right of the individual, and nothing in this chapter ~~shall~~ in any way ~~abridge~~ bridges such right nor ~~shall~~ may any individual be required to receive family planning services or to state his reasons for refusing the offer of family planning services.

Sec. 4. 22 MRSA §1908, as enacted by PL 1973, c. 624, §1, is amended to read:

§ 1908. Minors

Family planning services may be furnished to any minor who is a parent or married or has the consent of ~~his or her~~that minor's legal guardian or who may suffer in the professional judgment of a ~~physician~~health care practitioner probable health hazards if such services are not provided.

SUMMARY

This bill updates language in the laws governing family planning.