



126th MAINE LEGISLATURE

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Legislative Document

No. 760

H.P. 511

House of Representatives, February 28, 2013

An Act Regarding Informed Consent to an Abortion

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ESPLING of New Gloucester.
Cosponsored by Senator MASON of Androscoggin and
Representatives: FITZPATRICK of Houlton, GUERIN of Glenburn, MAKER of Calais,
SANDERSON of Chelsea, SIROCKI of Scarborough, VOLK of Scarborough.

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

2 **Sec. 1. 22 MRSA §1599-A, sub-§2**, as enacted by PL 1993, c. 61, §4, is amended
3 to read:

4 **2. Informed consent.** To ensure that the consent for an abortion is truly informed
5 consent, the attending physician shall inform the woman, orally and in writing in a
6 manner that in the physician's professional judgment is not misleading and that will be
7 understood by the patient, of at least the following:

8 A. According to the physician's best judgment she is pregnant;

9 B. The number of weeks elapsed from the probable time of the conception;

10 C. The particular risks associated with her own pregnancy and the abortion technique
11 to be performed; ~~and~~

12 D. ~~At the woman's request, alternatives~~ Alternatives to abortion such as childbirth
13 and adoption and information concerning public and private agencies that will
14 provide the woman with economic and other assistance to carry the fetus to term,
15 including, ~~if the woman so requests~~, a list of these agencies and the services available
16 from each;

17 E. The name of the physician who is to perform the abortion;

18 F. A description of the procedure to be used;

19 G. Scientifically accurate information about the fetus;

20 H. The possible availability of medical benefits for the woman during and after the
21 pregnancy if the woman carries the fetus to term;

22 I. The woman's undeniable right to see an ultrasound if an ultrasound was taken and
23 the woman requests to see it; and

24 J. The father's liability for support.

25 **SUMMARY**

26 Current law requires the attending physician of a woman seeking an abortion to
27 obtain the informed written consent of the woman and requires specific information, such
28 as the number of weeks elapsed from the time of conception, the risks associated with the
29 abortion and, at the woman's request, alternatives to abortion. This bill specifies that the
30 information must also be conveyed to the woman orally, removes the requirement that the
31 woman request information about alternatives and requires additional information to be
32 conveyed, including the name of the physician performing the abortion, scientifically
33 accurate information about the fetus and the father's liability for support.