

## SB 527 – AS AMENDED BY THE SENATE

03/20/08 0756s

2008 SESSION

08-2694

01/09

### SENATE BILL **527**

AN ACT relative to adult involvement for minors seeking abortions.

SPONSORS: Sen. Sgambati, Dist 4; Sen. Odell, Dist 8; Sen. Hassan, Dist 23; Sen. Cilley, Dist 6; Sen. Reynolds, Dist 2; Sen. Foster, Dist 13; Sen. DeVries, Dist 18; Rep. Lasky, Hills 26; Rep. Donovan, Sull 4; Rep. Pierce, Graf 9; Rep. Buco, Carr 1

COMMITTEE: Health and Human Services

#### ANALYSIS

This bill requires a counselor or health care provider to provide a pregnant minor, under the age of 17 years, with counseling and information before such minor has an abortion.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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#### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eight*

AN ACT relative to adult involvement for minors seeking abortions.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Subdivision; Prior to Abortion. Amend RSA 132 by inserting after section 28 the following new subdivision:

#### Information and Counseling to Minors Seeking Abortion

132:29 Statement of Intent. The intent of this subdivision is to:

I. Recognize that in most circumstances it is preferable for a minor to involve a parent in her decision about a pregnancy.

II. Encourage a minor who is seeking an abortion to consult with a parent in her decision making process.

III. Provide a framework that will foster parental involvement in a minor's decision about her pregnancy.

IV. Recognize that the health and safety of a minor is of paramount concern.

V. Recognize that there are circumstances where the health and safety of a minor would be endangered by mandating parental involvement and to ensure the involvement of other responsible adults in these circumstances.

VI Provide objective and comprehensive counseling to all minors who are seeking an abortion.

132:30 Definitions. In this subdivision:

I. "Counselor" means a psychiatrist licensed under RSA 329:12, a psychologist licensed under RSA 330-A:16, a clinical social worker licensed under RSA 330-A:18, a marriage and family therapist licensed under RSA 330-A:21, a registered nurse or practical nurse licensed under RSA 326-B, a guidance counselor certified under RSA 21-N:9, II(s), or a health care assistant who has been trained to provide counseling under the provisions of RSA 132:31 and who works under the supervision of a licensed or certified provider or counselor as specified in this paragraph or in paragraph III.

II. "Minor" means any person under the age of 17 years.

III. "Provider" means a physician licensed under RSA 329:12, a physician's assistant licensed under RSA 328-D:3, or an advanced registered nurse practitioner licensed under RSA 326-B:18.

#### 132:31 Information and Counseling Required.

I. Prior to the performance of an abortion upon a minor, a provider or counselor shall provide pregnancy information and counseling in accordance with this subdivision in a manner and language that will be understood by the minor. The provider or counselor shall:

(a) Explain that the information being given to the minor is being given objectively and is not intended to coerce, persuade, or induce the minor to choose to have an abortion or to carry the pregnancy to term.

(b) Explain that the minor may withdraw a decision to have an abortion at any time before the abortion is performed or may reconsider a decision not to have an abortion at any time within the time period during which an abortion may legally be performed.

(c) Explain to the minor the alternative choices available for managing the pregnancy, including:

(1) Carrying the pregnancy to term and keeping the child;

(2) Carrying the pregnancy to term and placing the child for adoption, placing the child with a relative, or obtaining voluntary foster care for the child; and

(3) Having an abortion, and explain that public and private agencies are available to assist the minor with whichever alternative she chooses and that a list of these agencies and the services available from each will be provided if the minor requests.

(d) Explain that public and private agencies are available to provide birth control information and that a list of these agencies and the services available from each will be provided if the minor requests.

(e) Discuss the possibility of involving the minor's parents, guardian, or other adult family members in the minor's decision making concerning the pregnancy and whether the minor believes that involvement would be in the minor's best interests.

(f) Provide adequate opportunity for the minor to ask any questions concerning the pregnancy, abortion, child care, and adoption, and provide information the minor seeks or, if the person cannot provide the information, indicate where the minor can access the information.

II. After the counselor or provider provides the information and counseling to a minor as required by this subdivision, such counselor or provider shall have the minor sign and date a form stating that:

(a) The minor has received information relative to alternatives to abortion, that there are agencies that will provide assistance, and a list of these agencies and the services available from each shall be provided if the minor requests.

(b) The minor has received an explanation that the minor may withdraw an abortion decision or reconsider a decision to carry a pregnancy to term.

(c) The alternatives available for managing the pregnancy have been explained to the minor.

(d) The minor has received an explanation about agencies available to provide birth control information and that a list of these agencies and the services available from each will be provided if the minor requests.

(e) The minor has discussed with the person providing the information and counseling the possibility of involving the minor's parents, guardian, or other adult family members in the minor's decision

making about the pregnancy.

(f) If applicable, the minor has determined that not involving the minor's parents, guardian, or other adult family members is in the minor's best interests.

(g) The minor has been given an adequate opportunity to ask questions.

III. The counselor or provider shall also sign and date the form and shall include his or her business address and business telephone number. The counselor or provider shall keep a copy for the minor's medical record and shall give the form to the minor or, if the minor requests and if such person is not the attending provider, transmit the form to the minor's attending provider. Such medical record shall be maintained as otherwise provided by law.

IV. The provision of pregnancy information and counseling by a provider or counselor which is evidenced in writing containing the information and statements provided in this subdivision and which is signed by the minor shall be presumed to be evidence of compliance with the requirements of this subdivision.

V. The requirements of this subdivision shall not apply when, in the best medical judgment of the provider based on the facts of the case before the provider, a medical emergency exists which so complicates the pregnancy or the health, safety, or well-being of the minor as to require an immediate abortion. A provider who does not comply with the requirements of this subdivision because of this exception shall state in the minor's medical record the medical indications on which the provider's judgment was based.

2 Effective Date. This act shall take effect 60 days after its passage.