

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 Require a 24-hour Waiting Period prior to an Abortion**

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

**Sec. 1. 22 MRSA §1597-A, sub-§2**, as enacted by PL 1989, c. 573, §2, is amended to read:

**2. Prohibitions; exceptions.** Except as otherwise provided by law, no person may knowingly perform an abortion upon a pregnant minor unless:

A. The attending physician has received and will make part of the medical record the informed written consent of the minor and one parent, guardian or adult family member;

B. The attending physician has secured the informed written consent of the minor as prescribed in subsection 3 and the minor, under all the surrounding circumstances, is mentally and physically competent to give consent;

C. The minor has received the information and counseling required under subsection 4, has secured written verification of receiving the information and counseling and the attending physician has received and will make part of the medical record the informed written consent of the minor and the written verification of receiving information and counseling required under subsection 4; or

D. The Probate Court or District Court issues an order under subsection 6 on petition of the minor or the next friend of the minor for purposes of filing a petition for the minor, granting:

(1) To the minor majority rights for the sole purpose of consenting to the abortion and the attending physician has received the informed written consent of the minor; or

(2) To the minor consent to the abortion, when the court has given its informed written consent and the minor is having the abortion willingly, in compliance with subsection 7.

The attending physician may not perform an abortion upon a pregnant minor before 24 hours have passed since the physician has secured the informed written consent of the minor, unless there is a medical emergency.

**Sec. 2. 22 MRSA §1598, sub-§2**, as enacted by PL 1979, c. 405, §2, is amended to read:

**2. Definitions.** As used in this section and in sections 1597-A and 1599-A, unless the context otherwise indicates, the following terms shall have the following meanings.

A. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical or by the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus.

A-1. "Medical emergency" means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or to avoid a delay that would create serious risk of substantial and irreversible impairment of a major bodily function.

B. "Viability" means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

**Sec. 3. 22 MRSA §1599-A, sub-§1-A** is enacted to read:

**1-A. Twenty-four-hour period.** Except in the case of a medical emergency, a physician may not perform an abortion until 24 hours have passed after the woman gives her informed written consent under subsection 1.

## SUMMARY

This bill requires a 24-hour waiting period prior to an abortion except in the case of a medical emergency.