

## CHAPTER 406

### FAMILY PLANNING SERVICES

#### §1901. Legislative intent

The Legislature finds that family planning services are not sufficiently available as a practical matter to many persons in this State, that unwanted pregnancy may place severe medical, emotional, social and economic burdens on the family unit and that it is desirable that inhibitions and restrictions to the delivery of family planning services be reduced so that all persons desiring and needing such services have ready and practicable access to the services in appropriate settings sensitive to persons' needs and beliefs. The Legislature therefore declares that it is consistent with public policy to make available comprehensive medical knowledge, assistance and services relating to family planning. [PL 2019, c. 236, §2 (AMD).]

#### SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 2019, c. 236, §2 (AMD).

#### §1902. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2019, c. 236, §3 (AMD).]

**1. Contraceptive procedures.** "Contraceptive procedures" means any medically accepted procedure to prevent pregnancy when performed by or under the direction of a health care practitioner on a requesting and consenting patient.  
[PL 2019, c. 236, §3 (AMD).]

**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.  
[PL 2001, c. 654, §1 (NEW).]

**2. Contraceptive supplies.** "Contraceptive supplies" means those medically approved drugs, prescriptions, rhythm charts, devices and other items designed to prevent pregnancy through chemical, mechanical, behavioral or other means.  
[PL 2019, c. 236, §3 (AMD).]

**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.  
[PL 1973, c. 624, §1 (NEW).]

**4. Family planning services.** "Family planning services" means 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 through the provision of contraceptive supplies, contraceptive procedures and related counseling; the prevention and treatment of infertility; appropriate prenatal and obstetric care; the prevention or treatment of sexually transmitted infections; and other services necessary for reproductive and sexual health.

[PL 2019, c. 236, §3 (AMD).]

**5. Physician.**

[PL 2019, c. 236, §3 (RP).]

**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.

[PL 2019, c. 236, §3 (NEW).]

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

[PL 2019, c. 236, §3 (AMD).]

SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 2001, c. 654, §1 (AMD). PL 2019, c. 236, §3 (AMD).

**§1903. Authority and policy**

It is the policy and authority of this State that: [PL 2019, c. 236, §4 (AMD).]

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

[PL 2019, c. 236, §4 (AMD).]

**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;

[PL 1973, c. 624, §1 (NEW).]

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

[PL 2019, c. 236, §4 (AMD).]

**4. Objections.** A private institution or health care practitioner or agent or employee of such institution or health care practitioner may not be prohibited from refusing to provide family planning services when such refusal is based upon religious or conscientious objection; and

[PL 2019, c. 236, §4 (AMD).]

**5. Scope of practice.** Nothing in this chapter changes the scope of practice of a health care practitioner.

[PL 2019, c. 236, §4 (NEW).]

SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 1981, c. 470, §A73 (AMD). PL 2019, c. 236, §4 (AMD).

**§1904. Rules**

The commissioner is authorized and directed to adopt rules and establish programs to enable the department, either directly or under contractual arrangements with other organizations, to promptly implement this chapter. [PL 2019, c. 236, §5 (NEW).]

SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 2003, c. 689, §§B6,7 (REV). PL 2019, c. 236, §5 (RPR).

**§1905. Funds**

The department is authorized to receive and disburse such funds as may be available to it for family planning services to any nonprofit organization, public or private, engaged in providing such services. Family planning programs administered by the department may be developed in consultation, in coordination or on a contractual basis with other family planning agencies in this State, including, but

not limited to, the Family Planning Association of Maine, Inc., and its affiliates. [PL 2019, c. 236, §6 (AMD).]

#### SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 1975, c. 293, §4 (AMD). PL 2003, c. 689, §B6 (REV). PL 2019, c. 236, §6 (AMD).

#### **§1906. Availability**

To the extent family planning funds are available, the department shall provide family planning services to medically indigent persons eligible for such services as determined by rules adopted by the commissioner. Family planning services must also be available to all others who are unable to reasonably obtain these services privately, at a reasonable cost to be determined by the rules adopted by the commissioner. Any funds so collected must be retained by the department for the support of these services. [PL 2019, c. 236, §7 (NEW).]

#### SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 1975, c. 293, §4 (AMD). PL 2003, c. 689, §§B6,7 (REV). PL 2019, c. 236, §7 (RPR).

#### **§1907. Refusal**

The refusal of any person to accept family planning services does not affect the right of that person to receive public assistance or public health services or to 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 in any way abridges such right nor may any individual be required to receive family planning services or to state reasons for refusing the offer of family planning services. [PL 2019, c. 236, §8 (AMD).]

#### SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 2019, c. 236, §8 (AMD).

#### **§1908. Minors**

Notwithstanding section 1503, family planning services may be furnished to any minor by a health care practitioner. The health care practitioner is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the prevention or treatment under this section. Nothing in this section may be construed to prohibit the health care practitioner rendering the prevention services or treatment from informing the parent or guardian. [PL 2019, c. 236, §9 (NEW).]

#### SECTION HISTORY

PL 1973, c. 624, §1 (NEW). PL 2019, c. 236, §9 (RPR).

#### **§1909. Construction**

This chapter shall be construed to protect the rights of all persons to pursue their religious beliefs, to follow the dictates of their own consciences, to prevent imposition upon any person's moral standards and to respect the right of every person to self-determination in respect to family planning. [PL 1973, c. 624, §1 (NEW).]

#### SECTION HISTORY

PL 1973, c. 624, §1 (NEW).

#### **§1910. Comprehensive family life education services**

The commissioner shall undertake initiatives to implement effective, comprehensive family life education services. In providing such services, the commissioner shall contract with local family planning programs to provide: [PL 2001, c. 654, §2 (NEW).]

**1. Training.** Training for teachers, parents and community members in the development and implementation of comprehensive family life education curriculum and in planning for an evaluation component as part of comprehensive school health education; [PL 2001, c. 654, §2 (NEW).]

**2. Staff.** Resource staff persons to provide expert training, curriculum development and implementation and evaluation services on a statewide basis; [PL 2001, c. 654, §2 (NEW).]

**3. Forums.** Funding to promote and coordinate community and youth forums in communities identified as having high needs for comprehensive family life education; [PL 2001, c. 654, §2 (NEW).]

**4. Issue management; policy development training.** Funding for issue management and policy development training for school boards, superintendents, principals and administrators across the State; and [PL 2001, c. 654, §2 (NEW).]

**5. Recognition of performance.** Funding for grants to school-based comprehensive family life education programs to recognize outstanding performance and share strategies for success. [PL 2001, c. 654, §2 (NEW).]

#### SECTION HISTORY

PL 2001, c. 654, §2 (NEW).

#### §1911. Parental option

To the extent that comprehensive family life education takes place in a school, a parent may choose to not have that parent's child participate in a comprehensive family life education program. [PL 2001, c. 654, §2 (NEW).]

#### SECTION HISTORY

PL 2001, c. 654, §2 (NEW).

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