An Act to Improve Maine's Reproductive Privacy Laws

Reference to the Committee on Judiciary suggested and ordered printed.

Presented by Speaker TALBOT ROSS of Portland. (GOVERNOR'S BILL)

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

Sec. 1. 22 MRSA §1596, sub-§2, as amended by PL 2019, c. 262, §1, is repealed and the following enacted in its place:

2. Abortion reports. A report of each abortion performed must be made to the Department of Health and Human Services in a manner prescribed by the department. These reports may not identify the patient by name or include other identifying information. The report must include, without limitation, the following information:

A. The date and place the abortion was performed;
B. The age of the person on whom the abortion was performed;
C. The method used to perform the abortion; and
D. The gestational age of the fetus when the abortion was performed.

The report containing the information and data required by this subsection must be transmitted by the health care provider to the department not later than 10 days following the end of the month in which the abortion is performed.

Sec. 2. 22 MRSA §1598, sub-§1, as amended by PL 2019, c. 262, §4, is further amended to read:

1. Policy. It is the public policy of the State that the State not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in section 1597-A. After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother in the professional judgment of a physician licensed pursuant to Title 32, chapter 36 or 48. It is also the public policy of the State that all abortions may be performed only by a health care professional, as defined in section 1596, subsection 1, paragraph C.

Sec. 3. 22 MRSA §1598, sub-§3, as amended by PL 2019, c. 262, §5, is further amended to read:

3. Persons who may perform abortions; penalties.
A. Only a person licensed under Title 32, chapter 36 or 48 to practice in the State as an osteopathic or medical physician or physician assistant or a person licensed under Title 32, chapter 31 to practice in the State as an advanced practice registered nurse may perform an abortion on another person.
B. Any person not so licensed who knowingly performs an abortion on another person or any person who knowingly assists a nonlicensed person to perform an abortion on another person is guilty of a Class C crime.

Sec. 4. 22 MRSA §1598, sub-§4, as corrected by RR 2021, c. 2, Pt. B, §98, is repealed.

SUMMARY

This bill amends the law governing abortion reports to eliminate the requirement to use the United States Standard Report of Induced Termination of Pregnancy and replace it with a report that may not contain any information that identifies the patient but must contain
specific data such as the date and place the abortion was performed; the age of the patient; the method used to perform the abortion; and the gestational age of the fetus at the time of the abortion.

This bill changes the standard for when an abortion may be performed after viability to when a licensed physician determines that it is necessary instead of when it is necessary to preserve the life or health of the mother.

Finally, this bill removes the criminal penalties for performing an abortion without being licensed as a physician, physician assistant or advanced practice registered nurse and for performing an abortion after viability of the fetus when it was not necessary for the preservation of the life or health of the mother.