



General Assembly

Amendment

January Session, 2021

LCO No. 8818



Offered by:

REP. FISHBEIN, 90th Dist.

REP. LANOUE, 45th Dist.

To: Senate Bill No. 835

File No. 38

Cal. No. 453

**"AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES
OF LIMITED SERVICES PREGNANCY CENTERS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 19a-600 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2021*):

5 For the purposes of sections 19a-601, as amended by this act, and 19a-
6 602:

7 (1) "Counselor" means: (A) A psychiatrist, (B) a psychologist licensed
8 under chapter 383, (C) a clinical social worker licensed under chapter
9 383b, (D) a marital and family therapist licensed under chapter 383a, (E)
10 an ordained member of the clergy, (F) a physician assistant licensed
11 under section 20-12b, (G) a nurse-midwife licensed under chapter 377,
12 (H) a certified guidance counselor or school counselor, (I) a registered
13 professional nurse licensed under chapter 378, or (J) a practical nurse

14 licensed under chapter 378.

15 (2) "Minor" means a person who is less than [sixteen] eighteen years
16 of age.

17 Sec. 502. Section 19a-601 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective October 1, 2021*):

19 (a) Prior to the performance of an abortion upon a minor, a physician
20 or counselor shall provide pregnancy information and counseling in
21 accordance with this section in a manner and language that will be
22 understood by the minor. The physician or counselor shall:

23 (1) Explain that the information being given to the minor is being
24 given objectively and is not intended to coerce, persuade or induce the
25 minor to choose to have an abortion or to carry the pregnancy to term;

26 (2) Explain that the minor may withdraw a decision to have an
27 abortion at any time before the abortion is performed or may reconsider
28 a decision not to have an abortion at any time within the time period
29 during which an abortion may legally be performed;

30 (3) Explain to the minor the alternative choices available for
31 managing the pregnancy, including: (A) Carrying the pregnancy to term
32 and keeping the child, (B) carrying the pregnancy to term and placing
33 the child for adoption, placing the child with a relative or obtaining
34 voluntary foster care for the child, and (C) having an abortion, and
35 explain that public and private agencies are available to assist the minor
36 with whichever alternative she chooses and that a list of these agencies
37 and the services available from each will be provided if the minor
38 requests;

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

42 [(5) Discuss the possibility of involving the minor's parents, guardian
43 or other adult family members in the minor's decision-making

44 concerning the pregnancy and whether the minor believes that
45 involvement would be in the minor's best interests; and]

46 (5) Explain and carry out the following notification procedures to
47 parents, legal guardians or others:

48 (A) Except as provided in subparagraph (B) of this subdivision, notice
49 shall be provided to at least one parent or legal guardian of a pregnant
50 unemancipated minor not less than forty-eight hours prior to the
51 performance of an abortion upon such minor. Such notice may be
52 provided by the physician or counselor providing information and
53 counseling; and

54 (B) If a pregnant unemancipated minor declares in a signed written
55 statement that she is a victim of sexual abuse, neglect or physical abuse
56 by either of her parents or her legal guardian, the physician or counselor
57 providing counseling shall provide the notice required pursuant to
58 subparagraph (A) of this subdivision to such minor's brother or sister
59 who is aged twenty-one years or older or a stepparent or grandparent
60 specified by such minor or, if no such person exists, to some other
61 person who is aged twenty-one years or older specified by such minor;
62 and

63 (6) Provide adequate opportunity for the minor to ask any questions
64 concerning the pregnancy, abortion, child care and adoption, and
65 provide information the minor seeks or, if the person cannot provide the
66 information, indicate where the minor can receive the information.

67 (b) After the person provides the information and counseling to a
68 minor as required by this section, such person shall have the minor sign
69 and date a form stating that:

70 (1) The minor has received information on alternatives to abortion
71 and that there are agencies that will provide assistance and that a list of
72 these agencies and the services available from each will be provided if
73 the minor requests;

74 (2) The minor has received an explanation that the minor may
75 withdraw an abortion decision or reconsider a decision to carry a
76 pregnancy to term;

77 (3) The alternatives available for managing the pregnancy have been
78 explained to the minor;

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

82 (5) The minor has [discussed with the person providing the
83 information and counseling the possibility of involving the minor's
84 parents, guardian or other adult family members in the minor's
85 decision-making about the pregnancy] received an explanation of the
86 parental notification requirements pursuant to subdivision (5) of
87 subsection (a) of this section;

88 (6) If applicable, the minor has determined that not involving the
89 minor's parents, guardian or other adult family members is in the
90 minor's best interests; and

91 (7) The minor has been given an adequate opportunity to ask
92 questions.

93 (c) The person providing the information and counseling shall also
94 sign and date the form and shall include such person's business address
95 and business telephone number. The person shall keep a copy for such
96 minor's medical record and shall give the form to the minor or, if the
97 minor requests and if such person is not the attending physician,
98 transmit the form to the minor's attending physician. Such medical
99 record shall be maintained as otherwise provided by law.

100 (d) The provision of pregnancy information and counseling by a
101 physician or counselor which is evidenced in writing containing the
102 information and statements provided in this section and which is signed
103 by the minor shall be presumed to be evidence of compliance with the

104 requirements of this section.

105 (e) (1) No physician shall perform an abortion upon a minor until the
106 written statement required pursuant to subparagraph (A) of subdivision
107 (5) of subsection (a) of this section, certifying that the physician or
108 counselor providing the information and counseling under subsection
109 (a) of this section has provided notice to at least one parent or legal
110 guardian of such minor is received. If the physician performing the
111 abortion receives a signed statement pursuant to subparagraph (B) of
112 subdivision (5) of subsection (a) of this section, such physician shall
113 certify in the minor's medical record that such physician has received
114 such statement. Any physician relying in good faith on such statement
115 shall not be civilly or criminally liable for failure to give the notice
116 required pursuant to subparagraph (A) of subdivision (5) of subsection
117 (a) of this section.

118 (2) The minor may petition a court for a waiver of the notice
119 requirements pursuant to subdivision (5) of subsection (a) of this section
120 and may participate in proceedings on her own behalf. The petition shall
121 include a statement that the minor is pregnant and unemancipated. The
122 petition shall also include a statement that such notice requirements
123 have not been waived by the parent or legal guardian and that the minor
124 wishes to obtain an abortion without giving such required notification.
125 The court shall appoint a guardian for the minor.

126 (A) If the court finds, by clear and convincing evidence, that the
127 minor is both sufficiently mature and well-informed to decide whether
128 to have an abortion, the court shall issue an order authorizing the minor
129 to consent to the performance of an abortion without such required
130 notification. If the court does not make the finding specified in this
131 subparagraph or in subparagraph (B) of this subdivision, it shall dismiss
132 the petition.

133 (B) If the court finds, by clear and convincing evidence, that there is
134 a pattern of physical, sexual or emotional abuse of the minor by one or
135 both of her parents or her legal guardian, or that the notification of a

136 parent or legal guardian is not in the best interest of the minor, the court
 137 shall issue an order authorizing the minor to consent to the performance
 138 of an abortion without such required notification. If the court does not
 139 make the finding specified in this subparagraph or in subparagraph (A)
 140 of this subdivision, it shall dismiss the petition.

141 [(e)] (f) The requirements of this section shall not apply when, in the
 142 best medical judgment of the physician based on the facts of the case
 143 before him, a medical emergency exists that so complicates the
 144 pregnancy or the health, safety or well-being of the minor as to require
 145 an immediate abortion. A physician who does not comply with the
 146 requirements of this section by reason of this exception shall state in the
 147 medical record of the abortion the medical indications on which his
 148 judgment was based."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2021	19a-600
Sec. 502	October 1, 2021	19a-601