

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY -- SPOUSAL NOTICE FOR ABORTION

Introduced By: Representatives Handy, Knight, Regunberg, Bennett, and Blazejewski

Date Introduced: March 02, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-4.8 of the General Laws entitled "Spousal Notice for Abortion"
2 is hereby repealed in its entirety.

3 ~~CHAPTER 23-4.8~~

4 ~~Spousal Notice for Abortion~~

5 ~~**23-4.8-1. Declaration of purpose.**~~

6 ~~The purpose of this chapter is to promote the state's interest in furthering the integrity of~~
7 ~~the institutions of marriage and the family.~~

8 ~~**23-4.8-2. Spousal notice requirements.**~~

9 ~~If a married woman consents to an abortion, as that consent is required by chapter 4.7 of~~
10 ~~this title, the physician who is to perform the abortion or his or her authorized agent shall, if~~
11 ~~reasonably possible, notify the husband of that woman of the proposed abortion before it is~~
12 ~~performed.~~

13 ~~**23-4.8-3. Exceptions.**~~

14 ~~The requirements of § 23-4.8-2 shall not apply if:~~

15 ~~(1) The woman having the abortion furnishes to the physician who is to perform the~~
16 ~~abortion or the physician's authorized agent prior to the abortion being performed a written~~
17 ~~statement that she has given notice to her husband of the proposed abortion or a written statement~~
18 ~~that the fetus was not fathered by her husband;~~

19 ~~(2) The woman and her husband are living separate and apart or either spouse has filed a~~

1 ~~petition or complaint for divorce in a court of competent jurisdiction;~~

2 ~~(3) The physician who is to perform the abortion or his or her authorized agent receives~~
3 ~~the written affirmation of the husband that he has been notified of the proposed abortion; or~~

4 ~~(4) There is an emergency requiring immediate action. In the case of an emergency, the~~
5 ~~woman's attending physician shall certify in writing on the patient's medical record that an~~
6 ~~emergency exists and the medical basis for his or her opinion.~~

7 ~~**23-4.8-4. Penalties.**~~

8 ~~In the event a physician performs an abortion, as defined by chapter 4.7 of this title, upon~~
9 ~~a woman who he or she knows is married and the physician knowingly and intentionally violates~~
10 ~~the requirements of this chapter, he or she shall be guilty of "unprofessional conduct" for the~~
11 ~~purposes of § 5-37-5.1.~~

12 ~~**23-4.8-5. Severability.**~~

13 ~~If any section or provision of this chapter or the application of any section or provision is~~
14 ~~held invalid, that invalidity shall not affect other sections, provisions or applications, and to this~~
15 ~~end the sections and provisions of this chapter are declared severable.~~

16 SECTION 2. This act shall take effect upon passage.

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LC001288
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- SPOUSAL NOTICE FOR ABORTION

- 1 This act would repeal the requirement that physicians performing abortions notify the
- 2 husband of a patient before an abortion may be performed.
- 3 This act would take effect upon passage.

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