LC002187

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# 2017 -- S 0660

## STATE OF RHODE ISLAND

### IN GENERAL ASSEMBLY

### JANUARY SESSION, A.D. 2017

### AN ACT

### RELATING TO HEALTH AND SAFETY -- SPOUSAL NOTICE FOR ABORTION

Introduced By: Senators Seveney, Calkin, and Miller

Date Introduced: March 29, 2017

Referred To: Senate 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"               |
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| 2  | is hereby repealed in its entirety.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 | <del>performed.</del>  |
| 13 | <del>23-4.8-3. Exceptions.</del>   |
| 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           |

- petition or complaint for divorce in a court of competent jurisdiction; 1
- 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) There is an emergency requiring immediate action. In the case of an emergency, the 4 5 woman's attending physician shall certify in writing on the patient's medical record that an emergency exists and the medical basis for his or her opinion. 6 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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### **EXPLANATION**

### BY THE LEGISLATIVE COUNCIL

### OF

### AN ACT

### RELATING TO HEALTH AND SAFETY -- SPOUSAL NOTICE FOR ABORTION

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- 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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