

2014 -- S 2808

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LC005199  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO HEALTH AND SAFETY -- SPOUSAL NOTICE FOR ABORTION

Introduced By: Senators Miller, Goldin, Cool Rumsey, Nesselbush, and Satchell

Date Introduced: March 25, 2014

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"  
2 is hereby repealed in its entirety:

3           ~~**23-4.8-1. Declaration of purpose.** --- The purpose of this chapter is to promote the state's  
4 interest in furthering the integrity of the institutions of marriage and the family.~~

5           ~~**23-4.8-2. Spousal notice requirements.** --- If a married woman consents to an abortion,  
6 as such consent is required by chapter 4.7 of this title, the physician who is to perform the  
7 abortion or his or her authorized agent shall, if reasonably possible, notify the husband of that  
8 woman of the proposed abortion before it is performed.~~

9           ~~**23-4.8-3. Exceptions.** --- The requirements of section 23-4.8-2 shall not apply if:~~

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

14           ~~(2) The woman or her husband are living separate and apart; or either spouse has filed a  
15 petition or complaint for divorce in a court of competent jurisdiction; or~~

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

18           ~~(4) There is an emergency requiring immediate action. In the case of an emergency, the  
19 woman's attending physician shall certify in writing on the patient's medical record that an~~

1 ~~emergency exists and the medical basis for his or her opinion.~~

2 ~~23-4.8-4. Penalties. --- In the event a physician performs an abortion, as defined by~~  
3 ~~chapter 4.7 of this title, upon a woman who he or she knows is married and the physician~~  
4 ~~knowingly and intentionally violates the requirements of this chapter, he or she shall be guilty of~~  
5 ~~"unprofessional conduct" for the purposes of section 5-37-5.1.~~

6 ~~23-4.8-5. Severability. --- If any section or provision of this chapter or the application~~  
7 ~~thereof is held invalid, that invalidity shall not affect other sections, provisions or applications,~~  
8 ~~and to this end the sections and provisions of this chapter are hereby declared severable.~~

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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 the patient before the abortion is performed.

3           This act would take effect upon passage.

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