

113TH CONGRESS
1ST SESSION

H. R. 3601

To provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2013

Mr. GOHMERT (for himself, Mr. JORDAN, Mr. COLE, Mr. LATTA, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. HALL, Mrs. BACHMANN, Mr. HUIZENGA of Michigan, Mr. WEBER of Texas, Mr. BISHOP of Utah, Mr. BENTIVOLIO, Mr. HUELSKAMP, Mr. LAMALFA, Mr. YOHO, Mr. ROE of Tennessee, Mr. LANKFORD, Mr. ROKITA, and Mrs. HARTZLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Parental Notification
5 and Intervention Act of 2013”.

6 **SEC. 2. PARENTAL NOTIFICATION.**

7 (a) IN GENERAL.—It shall be unlawful for any per-
8 son or organization in or affecting interstate or foreign

1 commerce or who solicits or accepts Federal funds to per-
2 form any abortion on an unemancipated minor under the
3 age of 18, to permit the facilities of the person or organi-
4 zation to be used to perform any abortion on such a minor,
5 or to assist in the performance of any abortion on such
6 a minor if the person or organization has failed to comply
7 with all of the following requirements:

8 (1) The provision of written notification to the
9 parents (as defined in subsection (e)) of the minor
10 informing the parents that an abortion has been re-
11 quested for the minor, except that such notification
12 is not required for a parent if there is clear and con-
13 vincing evidence of physical abuse of the minor by
14 such parent.

15 (2) Compliance with a 96-hour waiting period
16 after notice has been received by the parents.

17 (3) Compliance with any injunction granted
18 under section 3 relating to the abortion.

19 (b) FINE FOR VIOLATION.—Whoever willfully violates
20 subsection (a) shall be fined not more than \$100,000 or
21 imprisoned not more than one year, or both, for each viola-
22 tion.

23 (c) EXCEPTION.—Subsection (a) shall not apply with
24 respect to an unemancipated minor for whom an abortion
25 is sought if a physician (other than the physician with

1 principal responsibility for making the decision to perform
2 the abortion) makes a determination that—

3 (1) a medical emergency exists which, with rea-
4 sonable medical certainty, so complicates the medical
5 condition of the minor that the death of the minor
6 would result from the failure to immediately treat
7 her physical condition even though the treatment
8 may result in the death of her unborn child;

9 (2) parental notification is not possible as a re-
10 sult of the medical emergency; and

11 (3) certifications regarding compliance with
12 paragraphs (1) and (2) have been entered in the
13 medical records of the minor, together with the rea-
14 sons upon which the determinations are based, in-
15 cluding a statement of relevant clinical findings.

16 (d) PARENTAL NOTIFICATION REQUIREMENTS.—For
17 purposes of this section, any parental notification provided
18 to comply with the provisions of subsection (a) for a par-
19 ent shall be—

20 (1) delivered personally to the parent; or

21 (2) provided through certified mail in accord-
22 ance with all of the following procedures:

23 (A) The certified mail is addressed to the
24 parent.

1 (B) The address used is the dwelling or
2 usual place of abode of the parent.

3 (C) A return receipt is requested.

4 (D) The delivery is restricted to the par-
5 ent.

6 (e) PARENT DEFINED TO INCLUDE LEGAL GUARD-
7 IAN.—For purposes of this Act, the term “parent” in-
8 cludes, with respect to an unemancipated minor, any legal
9 guardian of the minor.

10 **SEC. 3. PARENTAL INTERVENTION.**

11 Any parent required to be notified pursuant to sec-
12 tion 2 regarding an abortion of an unemancipated minor
13 may bring an action in the Federal district court where
14 the parent resides or where the unemancipated minor is
15 located to enjoin the performance of the abortion. The
16 court shall issue a temporary injunction barring the per-
17 formance of the abortion until the issue has been adju-
18 dicated and the judgment is final. The court shall issue
19 relief permanently enjoining the abortion unless the court
20 determines that granting such relief would be unlawful.

21 **SEC. 4. PREEMPTION.**

22 Nothing in this Act shall be construed to preempt any
23 provision of State law to the extent that such State law
24 establishes, implements, or continues in effect greater pa-

1 rental notification requirements or intervention rights re-
2 garding abortion than those provided under this Act.

3 **SEC. 5. EFFECTIVE DATE AND SEVERABILITY.**

4 (a) **EFFECTIVE DATE.**—The provisions of this Act
5 shall take effect upon its enactment.

6 (b) **SEVERABILITY.**—The provisions of this Act shall
7 be severable. If any provision of this Act, or any applica-
8 tion thereof, is found unconstitutional, that finding shall
9 not affect any provision or application of the Act not so
10 adjudicated.

○