



131st MAINE LEGISLATURE

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Legislative Document

No. 1614

H.P. 1039

House of Representatives, April 11, 2023

**An Act to Require an Ultrasound and Certain Counseling Before an
Abortion**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative GRIFFIN of Levant.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1598, sub-§2, ¶C** is enacted to read:

3 C. "Medical emergency" means a condition that, on the basis of the good faith clinical
4 judgment of a health care professional, as defined in section 1596, subsection 1,
5 paragraph C, complicates the medical condition of a pregnant woman to necessitate the
6 immediate abortion of her pregnancy to avert her death or to avoid a delay that would
7 create serious risk of substantial and irreversible impairment of a major bodily
8 function.

9 **Sec. 2. 22 MRSA §1598, sub-§2, ¶D** is enacted to read:

10 D. "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for
11 diagnostic or therapeutic purposes and to monitor a developing fetus.

12 **Sec. 3. 22 MRSA §1598, sub-§5** is enacted to read:

13 **5. Waiting period.** Unless there is a medical emergency, a health care professional,
14 as defined in section 1596, subsection 1, paragraph C, may not perform an abortion upon a
15 pregnant woman before 48 hours have passed since the health care professional secured the
16 informed written consent of the pregnant woman as required under section 1599-A and the
17 performance of the obstetric ultrasound as required under section 1599-B.

18 **Sec. 4. 22 MRSA §1599-A, sub-§2,** as amended by PL 2019, c. 262, §6, is further
19 amended to read:

20 **2. Informed consent.** To ensure that the consent for an abortion is truly informed
21 consent, the health care professional, as defined in section 1596, subsection 1, paragraph
22 C, shall, in addition to performing the ultrasound as required in section 1599-B, inform the
23 woman, in a manner that in the health care professional's professional judgment is not
24 misleading and that will be understood by the patient, of at least the following:

- 25 A. According to the health care professional's best judgment she is pregnant;
- 26 B. The number of weeks elapsed from the probable time of the conception;
- 27 C. The particular risks associated with her own pregnancy and the abortion technique
28 to be performed; and
- 29 D. ~~At the woman's request, alternatives~~ Alternatives to abortion such as childbirth and
30 parenting and adoption and information concerning public and private agencies that
31 will provide the woman with economic and other assistance to carry the fetus to term,
32 including, if the woman so requests, a list of these agencies and the services available
33 from each.

34 **Sec. 5. 22 MRSA §1599-B** is enacted to read:

35 **§1599-B. Required ultrasound before abortion**

36 **1. Ultrasound required.** Prior to a pregnant woman's giving informed consent under
37 section 1599-A to having an abortion performed, a health care professional who is to
38 perform the abortion or a qualified ultrasound provider to whom the responsibility has been
39 delegated by the health care professional shall:

