

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2 is hereby repealed in its entirety: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

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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