

2015 -- H 5659

LC001192

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO HEALTH AND SAFETY - SPOUSAL NOTICE FOR ABORTION

Introduced By: Representatives Handy, Blazejewski, Craven, Regunberg, and Almeida

Date Introduced: February 26, 2015

Referred To: House 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2 is hereby repealed in its entirety.

~~CHAPTER 23-4.8~~

~~Spousal Notice for Abortion~~

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5 ~~**23-4.8-1. Declaration of purpose.** -- The purpose of this chapter is to promote the state's~~  
6 ~~interest in furthering the integrity of the institutions of marriage and the family.~~

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

11 ~~**23-4.8-3. Exceptions.** -- The requirements of § 23-4.8-2 shall not apply if:~~

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

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

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

1           ~~(4) There is an emergency requiring immediate action. In the case of an emergency, the~~  
2 ~~woman's attending physician shall certify in writing on the patient's medical record that an~~  
3 ~~emergency exists and the medical basis for his or her opinion.~~

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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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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