

**Minority Report**  
**A-Engrossed**  
**House Bill 2605**

Ordered by the House April 28  
Including House Minority Report Amendments dated April 28

Sponsored by nonconcurring members of the House Committee on Judiciary: Representatives MACPHERSON,  
ACKERMAN

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires *[person]* **health care provider** to notify parent before *[person]* **health care provider** performs abortion on minor *[or ward]*, with specific exceptions. *[Establishes administrative process for minor or ward to obtain abortion without notice to parent. Requires preservation of anonymity of minor or ward seeking abortion without notice. Establishes civil action for parent wrongfully denied notification.]*

*[Permits presiding officers of Legislative Assembly to appoint sponsor of Act to intervene in action challenging validity of Act.]*

*[Directs chief administrative law judge to report annually number of applications made and granted under Act.]*

**Requires health care provider, before obtaining informed consent of parent to perform abortion, to encourage minor to consult with parent regarding termination of pregnancy. Requires health care provider to verify, before terminating pregnancy, that minor has received information relating to alternatives.**

**Provides certain immunities to health care provider or medical facility that acts in good faith in compliance with Act.**

**A BILL FOR AN ACT**

1  
2 Relating to notification to a parent prior to performing an abortion on a minor.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 1 to 10 of this 2005 Act may be cited as the Parental Involvement**  
5 **and Support Act.**

6 **SECTION 2. As used in sections 1 to 10 of this 2005 Act:**

7 (1) **"Abuse" has the meaning given that term in ORS 419B.005.**

8 (2) **"Child-parent relationship" has the meaning given that term in ORS 109.119.**

9 (3) **"Health care provider" means an individual licensed, certified or otherwise authorized**  
10 **or permitted by the laws of this state to administer health care services in the ordinary**  
11 **course of business or practice of a profession or an agent of the health care provider.**

12 (4) **"Medical facility" has the meaning given that term in ORS 164.365 and includes an**  
13 **agent of the medical facility.**

14 (5) **"Minor" means:**

15 (a) **An unmarried person under 18 years of age; or**

16 (b) **A ward.**

17 (6) **"Parent" means:**

18 (a) **A biological parent, adoptive parent, stepparent, grandparent or foster parent;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) A relative of a minor with whom the minor has a child-parent relationship; or

2 (c) If a court has appointed a guardian for a minor, the guardian.

3 (7) "Relative" means a person related to a minor within the third degree as determined  
4 by the common law.

5 (8) "Ward" means a minor, as defined in ORS 115.005, for whom a court has appointed a  
6 guardian under ORS 125.305.

7 **SECTION 3.** (1) Except as provided in section 5 of this 2005 Act, a health care provider  
8 may not intentionally terminate the pregnancy of a minor without having first notified a  
9 parent of the minor of the proposed termination.

10 (2) Before notifying a parent of a proposed termination, a health care provider must in-  
11 form the minor:

12 (a) Of the terms of subsection (1) of this section and section 5 of this 2005 Act.

13 (b) That subsection (1) of this section will not apply if the minor chooses not to terminate  
14 the pregnancy.

15 **SECTION 4.** Notice to a parent of a proposed termination of pregnancy is deemed to have  
16 occurred:

17 (1) At 12 noon on the second mail delivery day after the mailing of notice of the proposed  
18 termination to the parent by first class mail with certificate of mailing; or

19 (2) When, in the presence of the parent, the health care provider obtains the informed  
20 consent of the minor to the termination as provided in ORS 677.097.

21 **SECTION 5.** A health care provider may intentionally terminate the pregnancy of a minor  
22 without first notifying a parent of the minor if, in the professional judgment of the health  
23 care provider:

24 (1) Terminating the pregnancy before the health care provider can reasonably provide  
25 notice is necessary to protect the life or health of the minor;

26 (2) Providing notice to the parent would likely result in abuse of the minor or would  
27 otherwise not be in the best interest of the minor;

28 (3) The minor is mature and capable of providing informed consent to the termination  
29 without providing notice to the parent; or

30 (4) Terminating the pregnancy without providing notice to a parent would otherwise be  
31 in the best interest of the minor.

32 **SECTION 6.** Before attempting to obtain informed consent to the termination under  
33 section 4 (2) or 5 (3) of this 2005 Act, a health care provider must encourage a minor to  
34 consult with a parent about whether to continue or terminate the pregnancy. If the health  
35 care provider considers consultation between a minor and a parent not to be in the best in-  
36 terest of the minor, the health care provider must encourage the minor to consult with an  
37 adult whom the minor trusts, including, but not limited to, a member of the family of the  
38 minor, a member of the clergy, a social worker, a psychologist, a psychiatrist, a counselor  
39 or a therapist.

40 **SECTION 7.** (1) A health care provider shall inform a minor that the minor may have a  
41 parent or other adult other than the health care provider present to provide emotional sup-  
42 port to the minor during the termination.

43 (2) If requested by the minor, the health care provider shall ensure that an adult other  
44 than the health care provider is present during the termination to provide emotional support  
45 to the minor.

1       **SECTION 8.** Before terminating the pregnancy of a minor, a health care provider must  
2 verify that the minor has:

3           (1) Received information about parenting and other means for managing the pregnancy,  
4 including, but not limited to, adoption and termination.

5           (2) Been offered information about and a list of persons and agencies that provide as-  
6 sistance with and services relating to birth control, parenting, adoption and termination.

7           (3) Been informed that the minor may change the decision to continue or terminate the  
8 pregnancy.

9           (4) Been offered the opportunity to ask questions about the information set forth in  
10 subsections (1) to (3) of this section.

11       **SECTION 9.** Section 8 of this 2005 Act is not mandatory if:

12           (1) The pregnancy was caused by rape or incest; or

13           (2) Section 5 (1) of this 2005 Act applies.

14       **SECTION 10.** No person may maintain an action for violation of section 3 of this 2005  
15 Act against a health care provider or medical facility that acts in good faith to comply with  
16 sections 4 to 8 of this 2005 Act.  
17

---