

## HOUSE MINORITY REPORT AMENDMENTS TO HOUSE BILL 2605

April 28

Speaker Minnis:

A minority of your Committee on Judiciary, to whom was referred House Bill 2605, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

- 1       On page 1 of the printed bill, delete lines 4 through 27 and delete pages 2 and 3 and insert:
- 2       **“SECTION 1. Sections 1 to 10 of this 2005 Act may be cited as the Parental Involvement**  
3 **and Support Act.**
- 4       **“SECTION 2. As used in sections 1 to 10 of this 2005 Act:**
- 5       **“(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.**
- 6       **“(2) ‘Child-parent relationship’ has the meaning given that term in ORS 109.119.**
- 7       **“(3) ‘Health care provider’ means an individual licensed, certified or otherwise authorized**  
8 **or permitted by the laws of this state to administer health care services in the ordinary**  
9 **course of business or practice of a profession or an agent of the health care provider.**
- 10       **“(4) ‘Medical facility’ has the meaning given that term in ORS 164.365 and includes an**  
11 **agent of the medical facility.**
- 12       **“(5) ‘Minor’ means:**
- 13       **“(a) An unmarried person under 18 years of age; or**  
14       **“(b) A ward.**
- 15       **“(6) ‘Parent’ means:**
- 16       **“(a) A biological parent, adoptive parent, stepparent, grandparent or foster parent;**  
17       **“(b) A relative of a minor with whom the minor has a child-parent relationship; or**  
18       **“(c) If a court has appointed a guardian for a minor, the guardian.**
- 19       **“(7) ‘Relative’ means a person related to a minor within the third degree as determined**  
20 **by the common law.**
- 21       **“(8) ‘Ward’ means a minor, as defined in ORS 115.005, for whom a court has appointed a**  
22 **guardian under ORS 125.305.**
- 23       **“SECTION 3. (1) Except as provided in section 5 of this 2005 Act, a health care provider**  
24 **may not intentionally terminate the pregnancy of a minor without having first notified a**  
25 **parent of the minor of the proposed termination.**
- 26       **“(2) Before notifying a parent of a proposed termination, a health care provider must**  
27 **inform the minor:**
- 28       **“(a) Of the terms of subsection (1) of this section and section 5 of this 2005 Act.**
- 29       **“(b) That subsection (1) of this section will not apply if the minor chooses not to termi-**  
30 **nate the pregnancy.**
- 31       **“SECTION 4. Notice to a parent of a proposed termination of pregnancy is deemed to**  
32 **have occurred:**

1           “(1) At 12 noon on the second mail delivery day after the mailing of notice of the pro-  
2 posed termination to the parent by first class mail with certificate of mailing; or

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

5           “SECTION 5. A health care provider may intentionally terminate the pregnancy of a mi-  
6 nor without first notifying a parent of the minor if, in the professional judgment of the  
7 health care provider:

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

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

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

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

16          “SECTION 6. Before attempting to obtain informed consent to the termination under  
17 section 4 (2) or 5 (3) of this 2005 Act, a health care provider must encourage a minor to  
18 consult with a parent about whether to continue or terminate the pregnancy. If the health  
19 care provider considers consultation between a minor and a parent not to be in the best in-  
20 terest of the minor, the health care provider must encourage the minor to consult with an  
21 adult whom the minor trusts, including, but not limited to, a member of the family of the  
22 minor, a member of the clergy, a social worker, a psychologist, a psychiatrist, a counselor  
23 or a therapist.

24          “SECTION 7. (1) A health care provider shall inform a minor that the minor may have  
25 a parent or other adult other than the health care provider present to provide emotional  
26 support to the minor during the termination.

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

30          “SECTION 8. Before terminating the pregnancy of a minor, a health care provider must  
31 verify that the minor has:

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

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

36          “(3) Been informed that the minor may change the decision to continue or terminate the  
37 pregnancy.

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

40          “SECTION 9. Section 8 of this 2005 Act is not mandatory if:

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

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

43          “SECTION 10. No person may maintain an action for violation of section 3 of this 2005  
44 Act against a health care provider or medical facility that acts in good faith to comply with  
45 sections 4 to 8 of this 2005 Act.”.

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/s/ Greg Macpherson  
Representative

/s/ Robert Ackerman  
Representative

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