

117TH CONGRESS  
1ST SESSION

# H. R. 3900

To provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. GOHMERT introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Parental Notification  
5 and Intervention Act of 2021”.

6 **SEC. 2. PARENTAL NOTIFICATION.**

7 (a) IN GENERAL.—It shall be unlawful for any per-  
8 son or organization in or affecting interstate or foreign  
9 commerce or who solicits or accepts Federal funds to per-  
10 form any abortion on an unemancipated minor under the

1 age of 18, to permit the facilities of the person or organi-  
2 zation to be used to perform any abortion on such a minor,  
3 or to assist in the performance of any abortion on such  
4 a minor if the person or organization has failed to comply  
5 with all of the following requirements:

6           (1) The provision of written notification to the  
7           parents (as defined in subsection (e)) of the minor  
8           informing the parents that an abortion has been re-  
9           quested for the minor, except that such notification  
10          is not required for a parent if the physician is pre-  
11          sented with documentation showing with a reason-  
12          able degree of certainty that a court of record in the  
13          minor's State of residence has waived any parental  
14          notification. The court of record shall not waive any  
15          parental notification requirement unless there is  
16          clear and convincing evidence of physical abuse of  
17          the minor by such parent.

18           (2) Compliance with a 96-hour waiting period  
19          after notice has been received by the parents.

20           (3) Compliance with any injunction granted  
21          under section 3 relating to the abortion.

22          (b) FINE FOR VIOLATION.—Whoever willfully violates  
23          subsection (a) shall be fined not more than \$100,000 or  
24          imprisoned not more than one year, or both, for each viola-  
25          tion.

1           (c) EXCEPTION.—Subsection (a) shall not apply with  
2 respect to an unemancipated minor for whom an abortion  
3 is sought if a physician (other than the physician with  
4 principal responsibility for making the decision to perform  
5 the abortion) makes a determination that—

6           (1) a medical emergency exists which, with rea-  
7 sonable medical certainty, so complicates the medical  
8 condition of the minor that the death of the minor  
9 would result from the failure to immediately treat  
10 her physical condition even though the treatment  
11 may result in the death of her unborn child;

12           (2) parental notification is not possible as a re-  
13 sult of the medical emergency; and

14           (3) certifications regarding compliance with  
15 paragraphs (1) and (2) have been entered in the  
16 medical records of the minor, together with the rea-  
17 sons upon which the determinations are based, in-  
18 cluding a statement of relevant clinical findings.

19           (d) PARENTAL NOTIFICATION REQUIREMENTS.—For  
20 purposes of this section, any parental notification provided  
21 to comply with the provisions of subsection (a) for a par-  
22 ent shall be—

23           (1) delivered personally to the parent; or

24           (2) provided through certified mail in accord-  
25 ance with all of the following procedures:

1 (A) The certified mail is addressed to the  
2 parent.

3 (B) The address used is the dwelling or  
4 usual place of abode of the parent.

5 (C) A return receipt is requested.

6 (D) The delivery is restricted to the par-  
7 ent.

8 (e) PARENT DEFINED TO INCLUDE LEGAL GUARD-  
9 IAN.—For purposes of this Act, the term “parent” in-  
10 cludes, with respect to an unemancipated minor, any legal  
11 guardian of the minor.

12 **SEC. 3. PARENTAL INTERVENTION.**

13 Any parent required to be notified pursuant to sec-  
14 tion 2 regarding an abortion of an unemancipated minor  
15 may bring an action in the Federal district court where  
16 the parent resides or where the unemancipated minor is  
17 located to enjoin the performance of the abortion. The  
18 court shall issue a temporary injunction barring the per-  
19 formance of the abortion until the issue has been adju-  
20 dicated and the judgment is final. The court shall issue  
21 relief permanently enjoining the abortion unless the court  
22 determines that granting such relief would be unlawful.

23 **SEC. 4. PREEMPTION.**

24 Nothing in this Act shall be construed to preempt any  
25 provision of State law to the extent that such State law

1 establishes, implements, or continues in effect greater pa-  
2 rental notification requirements or intervention rights re-  
3 garding abortion than those provided under this Act.

4 **SEC. 5. EFFECTIVE DATE AND SEVERABILITY.**

5 (a) **EFFECTIVE DATE.**—The provisions of this Act  
6 shall take effect upon its enactment.

7 (b) **SEVERABILITY.**—The provisions of this Act shall  
8 be severable. If any provision of this Act, or any applica-  
9 tion thereof, is found unconstitutional, that finding shall  
10 not affect any provision or application of the Act not so  
11 adjudicated.

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