

105TH CONGRESS
2D SESSION

H. R. 4721

To establish restrictions on the provision to minors of contraceptive drugs and devices through family planning projects under title X of the Public Health Service Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1998

Mr. ISTOOK (for himself, Mr. ADERHOLT, Mr. BACHUS, Mr. BARCIA, Mr. BLUNT, Mr. CANNON, Mr. COBURN, Mr. CRANE, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. KING, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mrs. MYRICK, Mr. PITTS, Mrs. LINDA SMITH of Washington, Mr. SMITH of New Jersey, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To establish restrictions on the provision to minors of contraceptive drugs and devices through family planning projects under title X of the Public Health Service Act, and for other purposes.

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 Act of 1998”.

1 **SEC. 2. REQUIREMENTS REGARDING PROVISION OF SERV-**
2 **ICES TO MINORS THROUGH FAMILY PLAN-**
3 **NING PROJECTS UNDER TITLE X OF PUBLIC**
4 **HEALTH SERVICE ACT.**

5 (a) Notwithstanding any other provision of law, no
6 provider of services under title X of the Public Health
7 Service Act (42 U.S.C. 300 et seq.) shall be exempt from
8 any State law requiring notification or the reporting of
9 child abuse, child molestation, sexual abuse, rape, or in-
10 cest.

11 (b) None of the funds appropriated for any fiscal year
12 for carrying out title X of the Public Health Service Act
13 (42 U.S.C. 300 et seq.) may be made available to any fam-
14 ily planning project under section 1001 of such title if any
15 provider of services in the project knowingly provides con-
16 traceptive drugs or devices to a minor, unless—

17 (1) such provider of services has given actual
18 written notice to a custodial parent or custodial legal
19 guardian of the minor, notifying the parent or legal
20 guardian of the intent to provide the drugs or de-
21 vices, at least five business days before providing the
22 drugs or devices; or

23 (2) the minor has the written consent of a cus-
24 todial parent or custodial legal guardian to receive
25 the drugs or devices; or

1 (3) the minor is emancipated under applicable
2 State law; or

3 (4) a court of competent jurisdiction has di-
4 rected that the minor may receive the drugs or de-
5 vices.

6 (c)(1) The Secretary of Health and Human Services
7 (in this section referred to as the “Secretary”) shall re-
8 quire that each family planning project under section 1001
9 of title X of the Public Health Service Act (42 U.S.C.
10 300)—

11 (A) expressly inform all minors who seek the
12 services of the project that abstinence is the only
13 certain way to avoid pregnancy, sexually transmitted
14 diseases, and infection with the human immuno-
15 deficiency virus; and

16 (B) ensure that all individuals who provide
17 counseling services to minors through the project are
18 trained to provide to minors counseling that encour-
19 ages the minors—

20 (i) to abstain from sexual activity;

21 (ii) to avoid being coerced into engaging in
22 sexual activities; and

23 (iii) to involve their parents in the decision
24 to seek family planning services.

1 (2) The Secretary, acting through the Deputy Assist-
2 ant Secretary for Population Affairs, shall carry out the
3 following with respect to family planning projects referred
4 to in paragraph (1):

5 (A) The Secretary shall develop and dissemi-
6 nate to the projects protocols for providing the coun-
7 seling described in paragraph (1)(B), including pro-
8 tocols for training individuals to provide the counsel-
9 ing.

10 (B) The Secretary shall ensure that such proto-
11 cols include protocols specific to younger adolescents.

12 (C) In developing protocols under subpara-
13 graphs (A) and (B), the Secretary shall consider the
14 results of research under title XX of the Public
15 Health Service Act (42 U.S.C. 300z et seq.).

16 (d) Each provider of services under section 1001 of
17 title X of the Public Health Service Act (42 U.S.C. 300)
18 shall each year certify to the Secretary of Health and
19 Human Services compliance with this section. Such Sec-
20 retary shall prescribe such regulations as may be nec-
21 essary to effectuate this section.

○