

108TH CONGRESS
1ST SESSION

H. R. 1489

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mrs. MUSGRAVE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for parental notification and intervention in the case of a 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 2003”.

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

7 (a) It shall be unlawful for any person or organization
8 to perform any abortion on an unemancipated minor
9 under the age of 18, to permit the facilities of the entity
10 to be used to perform any abortion on such a minor, or

1 to assist in the performance of any abortion on such a
2 minor if the person or organization has failed to comply
3 with the following requirements:

4 (1) unless there is clear and convincing evidence
5 of physical abuse of the minor by the parent, the
6 provision of written notification to the parents of the
7 minor, informing the parents that an abortion has
8 been requested for the minor;

9 (2) compliance with a 96-hour waiting period
10 after notice has been received by the parents; and

11 (3) compliance with the procedures contained in
12 section 3 of this Act.

13 (b) Whoever violates the provisions of subsection (a)
14 of this section shall be imprisoned not more than ten
15 years, fined not more than \$1,000,000, or both.

16 (c) The provisions of this section shall not apply if,
17 with respect to an unemancipated minor for whom an
18 abortion is sought, a defense or affirmative defense exists
19 which would be applicable to other provisions of Title 18.

20 In any such case, a physician other than the physician
21 with principal responsibility for making the decision to
22 perform the abortion must make a determination that—

23 (1) a medical emergency exists in which an
24 abortion on the minor is necessary due to a grave,
25 physical disorder or disease of the minor that would,

1 with reasonable medical certainty, cause the death of
2 the minor if an abortion is not performed;

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

5 (3) certifications regarding compliance with
6 paragraphs (1) and (2) of this subsection have been
7 entered in the medical records of the minor, together
8 with the reasons upon which the determinations are
9 based, including a statement of relevant clinical find-
10 ings.

11 (d) For purposes of this section, any parental notifi-
12 cation provided to comply with the provisions of subsection

13 (a) shall be—

14 (1) provided through certified mail in accord-
15 ance with the following procedures—

16 (A) the notification is addressed to the
17 parent of the unemancipated minor;

18 (B) the address used is the dwelling or
19 usual place of abode of the parent;

20 (C) return receipt is requested; and

21 (D) delivery is restricted to the parent; or

22 (2) delivered personally to the parent.

23 (e) For purposes of this section, the term “parent”
24 includes, but is not limited to, any legal guardian of the
25 child.

1 **SEC. 3. PARENTAL INTERVENTION.**

2 Any parent required to be notified pursuant to sec-
3 tion 2 of this Act may bring an action in the federal dis-
4 trict court where the parent resides or where the
5 unemancipated minor is located. The court shall issue an
6 injunction barring the performance of the abortion until
7 the issue has been adjudicated and the judgment is final.
8 The court shall issue relief permanently enjoining the
9 abortion unless the court determines that granting such
10 relief would be unlawful.

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

12 (a) The provisions of this Act shall be severable. If
13 any provision of this Act, or any application thereof, is
14 found unconstitutional, that finding shall not affect any
15 provision or application of the Act not so adjudicated.

16 (b) The provisions of this Act shall take effect imme-
17 diately upon enactment.

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