

109TH CONGRESS
1ST SESSION

H. R. 2971

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2005

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 2005”.

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 evi-
5 dence of physical abuse of the minor by the parent,
6 written notification has been provided to the parents
7 of the minor, informing the parents that an abortion
8 has been requested for the minor.

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

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

13 (b) Whoever violates the provisions of subsection (a)
14 of this section shall be fined not more than \$1,000,000,
15 or imprisoned not more than 10 years, 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 United States Code. In any such case, a physician other
21 than the physician with principal responsibility for making
22 the decision to perform the abortion must make a deter-
23 mination that—

24 (1) a medical emergency exists in which an
25 abortion on the minor is necessary due to a grave,

1 physical disorder or disease of the minor that would,
2 with reasonable medical certainty, cause the death of
3 the minor if an abortion is not performed;

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

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

12 (d) For purposes of this section, any parental notifi-
13 cation provided to comply with the provisions of subsection
14 (a) shall be provided through the manner described in
15 paragraph (1), or through the manner described in para-
16 graph (2), as follows:

17 (1) The notification shall be provided through
18 certified mail in accordance with the following proce-
19 dures:

20 (A) The notification shall be addressed to
21 the parent of the unemancipated minor.

22 (B) The address used shall be the dwelling
23 or usual place of abode of the parent.

24 (C) Return receipt shall be requested.

1 (D) Delivery shall be restricted to the par-
2 ent.

3 (2) The notification shall be delivered person-
4 ally to the parent.

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

8 **SEC. 3. PARENTAL INTERVENTION.**

9 Any parent required to be notified pursuant to sec-
10 tion 2 of this Act may bring an action in the district court
11 of the United States where the parent resides or where
12 the unemancipated minor is located. The court shall issue
13 an injunction barring the performance of the abortion
14 until the issue has been adjudicated and the judgment is
15 final. The court shall issue relief permanently enjoining
16 the abortion unless the court determines that granting
17 such relief would be unlawful.

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

19 (a) The provisions of this Act shall be severable. If
20 any provision of this Act, or any application thereof, is
21 found unconstitutional, that finding shall not affect any
22 provision or application of the Act not so adjudicated.

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

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