EXHIBIT 6
DATE 2/17/05
HB 617

HB 617 -- SUMMARY

(1) Provides for the filing of fetal death certificates prior to 20-weeks of gestation. Current law issues certificates from 20 weeks onward.

(2) Requires the physician to inform the woman that a death certificate will be filed, prior to an abortion procedure. This provision is made part of the "informed consent" statute.

(3) Requires the attending physician to file the death certificate. The woman has no involvement in this.

(4) Specifically excludes abortion-related death certificates from public examination, as an enhanced right of privacy. Current law allows full pubic access.

COMMENTS: As part of the "informed consent" consultation already required by law, the physician must state that a death certificate will be filed following an abortion. This awareness of the child's humanity at a critical, final decision point will undoubtedly result in fewer abortions, more living children, and more women spared the emotional torment of having made a decision they later deeply regret. Contrary to the spin certain groups have put on this bill, it does not embarrass or demean women in any way, but in fact further protects their privacy rights. It is also untrue that the woman files the certificate. This is handled entirely by the physician.

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Effective: [See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated Currentness
Public Health Law (Refs & Annos)
Chapter 45 Of the Consolidated Laws (Refs & Annos)
Article 41. Vital Statistics
Title V. Registration of Fetal Deaths (Refs & Annos)

→§ 4160. Fetal deaths; registration

1. Fetal death is defined as death prior to the complete expulsion or extraction from its mother of a product of conception; the death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

2. A fetal death shall be registered within seventy-two hours after expulsion of such fetus, by filing directly with the commissioner a certificate of such death. In addition, a report of fetal death shall be reported to the registrar in the district in which the fetal death occurred.

3. For the purposes of this article, a fetal death shall be considered as a birth and as a death except that, for a fetal death, separate birth and death certificates shall not be required to be prepared and recorded.

4. Local registrars of each district in which fetal death certificates were filed prior to the effective date of this subdivision shall dispose of such certificates in the manner prescribed by the commissioner.

5. Notwithstanding any other provision of this chapter, the disclosure of information filed pursuant to this section shall be limited to the mother, her lawful representative and to authorized personnel of the department.

CREDIT(S) (L.1953, c. 879, § 1; amended L.1955, c. 506, § 2; L.1967, c. 436, § 2; L.1987, c. 809, § § 5, 6.)

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

Derivation

Public Health Law of 1909, § 376, added L.1913, c. 619, § 2; amended L.1925, c. 367, § 2; L.1930, c. 569, § 2; L.1936, c. 263, § 1; L.1943, c. 14, § 1; L.950, c. 51, § 1; repealed by section 5002 of this chapter.

McKinney's Public Health Law § 4160, NY PUB HEALTH § 4160

Current through L.2004, chapter 737 (not including Chapters 3, 151, 190, 215, 237, 269, 287, 303, 312, 354, 361, 366, 418, 461, 468,501, 524, 3, 525, 548, 582, 583, 585,631, 640,660, 666, 667, 672, 674, 677, 679, 0, 681, 685 to 688, 690 to 693, 699 to 701, 703 to 706, 708 to 710, 712, 8, 714 to 727 and 729 to 735.

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Civil discourse on abortion ends where hatred begins

In a cynical editorial that has stoked the fires of intolerance, the Chronicle essentially condoned the hate letters, abusive phone calls and vicious pranks my family has had to endure, arguing that I had it coming for proposing a bill to reduce abortions. "What exactly did he expect," they said.

This is like telling a Jew who has his house defiled, "Well, what do you expect, for openly displaying that Menorah?" My pro-life convictions are well known, and I do not apologize for them — even if the Chronicle declares them politically incorrect. I am not intimidated by their intolerance, and I will not be muzzled.

My proposed bill would call upon physicians to inform women that the state of Montana recognizes the humanity of an aborted fetus with a death certificate. Women would have no involvement in the filing the document, and for the first time, all abortion-related certificates would be kept private from public inspection. It does not "ban" nor restrict abortions as the Chronicle falsely states.

Nor is it unusual or unrealistic. Montana already requires death certificates at 20 weeks, thus recognizing that a human being has died. So what makes a fetus at 19 weeks any less human?

It is also not a unique idea. The state of New York, for example, has had a fetal death certificate law on the books for many years. Certificates are filed throughout the entire gestation period, and their law provides that the fetal death will be considered both "a birth and a death."

Yet the possibility of my measure reducing the number of abortions so enraged the Chronicle, that they view acts of hatred and intolerance as defensible. Not even the Montana Human Rights Network (hardly a conservative organization) agrees with them. To their credit, the MHRN has written me to express their sincere concern and to

ROGER KOOPMAN
Guest columnist

offer their help in investigating these "incidents of harassment."

The remainder of the Chronicle's attack was devoted to trivializing the entire subject of abortion, and characterizing me as nothing more than a publicity-seeker. They ignore the fact that I have put in 19 bill requests, on issues ranging from education (six submissions) to property rights, judicial reform and privacy. A Helena reporter latched on to this one issue, and the Chronicle ran with it. Then the Chronicle blamed me for their coverage!

Missing from all these stories is the actual purpose of my bill, which is entirely opposite of what the Chronicle says. Contrary to "driving a wedge" between the pro-life and pro-choice camps, I was hopeful of bringing the two groups together. For indeed, if pro-choicers are sincere when they say they want to make abortions more rare, then this is a bill they should get behind. Unfortunately, I miscalculated the fury I would unleash from the more militant pro-choicers. Many of these people, I have come to realize, are not truly pro-choice. They only advocate for one choice: that which leads to a child's death.

The Chronicle can't imagine that this proposal could come to any good. They should read the 510 e-mails I have received, a number of which are from women who, at a young age, were pressured by family and friends into having abortions. With great pain, they tell me how different their lives would be if someone in an official capacity had simply informed them that an abortion ends a maturing human life. They would now have a cherished child to love, and could have avoided a lifetime of emotional trauma and regret. Yet the Chronicle calls my bill a "pointless gesture." I agree with the Chronicle that education is an important issue. As a member of the House Education Committee, I intend to devote a great deal of time to education improvement and reform. But in closing, I speak from the heart when I say that even before I worry about educating a child, I first worry about keeping that child alive.

The Chronicle can ridicule me, encourage continued acts of intolerance, and dismiss the subject of saving lives as divisive and irrelevant. But it will not go away. This is a serious issue that deserves a civil and respectful public debate. The Chronicle ought to be encouraging that debate, not employing hyperbole for the purpose of squelching it.

Roger Koopman is a Republican state representative from Bozeman.