

Amendments to Senate Bill No. 97  
1st Reading Copy

Requested by Senator Jim Shockley

For the Senate Judiciary Committee

Prepared by Valencia Lane  
February 11, 2011 (7:42am)

1. Title, line 5.

**Strike:** "PARENTAL NOTICE OF"

**Insert:** "TEEN CONSULTATION PRIOR TO"

**Following:** "ACT"

**Strike:** "OF 2011"

2. Title, line 6 through line 7.

**Following:** "AGE;" on line 6

**Strike:** remainder of line 6 through "ACT;" on line 7

3. Page 1, line 13.

**Strike:** "9"

**Insert:** "7"

**Strike:** "Parental Notice of"

**Insert:** "Teen Consultation Prior to"

4. Page 1, line 14.

**Strike:** "of 2011"

5. Page 1, line 20.

**Following:** ";"

**Insert:** "and"

6. Page 1, line 22.

**Strike:** ";"

**Insert:** "."

7. Page 1, line 23 through line 27.

**Strike:** line 23 through line 27 in their entirety

8. Page 1, line 28.

**Strike:** "9"

**Insert:** "7"

9. Page 1, line 29.

**Following:** ";"

**Insert:** "and"

10. Page 1, line 30 through page 2, line 2.

**Strike:** line 30 on page 1 through line 2 on page 2 in their

entirety

**Renumber:** subsequent subsection

11. Page 2, line 5.

**Strike:** "9"

**Insert:** "7"

12. Page 2, line 7.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

13. Page 2, line 12 through line 13.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

14. Page 2, line 19 through line 20.

**Strike:** subsection (7) in its entirety

**Renumber:** subsequent subsection

15. Page 2, line 22.

**Strike:** subsection (9) in its entirety

16. Page 2, line 24.

**Strike:** "Notice of parent"

**Insert:** "Consultation and written statement"

**Following:** "required."

**Strike:** "A"

**Insert:** "(1) Except as provided in [section 5], a"

17. Page 2, line 25 through line 30.

**Following:** "minor" on line 25

**Strike:** remainder of line 25 through "[section 5]." on line 30

**Insert:** "unless:

(a) the physician has discussed with the minor the benefit of involving a parent or legal guardian in the decision on whether to have an abortion. This requirement does not apply if, based upon the physician's medical judgment, the physician does not believe that involvement of a parent or legal guardian is in the minor's best medical interest; and

(b) the physician has received a signed written statement from a person listed in subsection (2) that the person has consulted with the minor regarding her decision to have the abortion. The physician shall take reasonable measures to confirm that the person signing the written statement is the person whose signature appears on the written statement and is an authorized person under subsection (2).

(2) The written statement required in subsection (1) must be signed by:

(a) a parent or legal guardian of the pregnant minor; or

(b) a physician who is not in a medical practice with or

located in the same office with the physician performing the abortion and who has conducted an in-person consultation with the minor about her decision. As part of the consultation, the physician providing the written statement shall discuss with the minor the benefit of involving the minor's parent or legal guardian in the decision unless, based upon the physician's medical judgment, the physician believes involvement of a parent or legal guardian is not in the minor's best medical interest.

(3) A written statement of consultation by a physician described in subsection (2) must be in a form similar to the following:

"I, (name of physician), a physician licensed in Montana, have consulted with (name of the minor) concerning her decision to terminate her pregnancy. It is my professional judgment that (name of minor) has the capacity to reason effectively about her decision, has given the decision careful thought, and is appropriately informed about her decision and the options available to her."

(4) If, through the consultation or otherwise, either the physician performing the abortion or a physician providing a written statement of consultation knows or has reasonable cause to suspect that the minor is or has been the victim of a crime in relation to her pregnancy, the physician, in addition to any other applicable reporting requirements, shall report the matter promptly to law enforcement in the county in which the crime is believed to have occurred."

18. Page 3, line 2 through line 6.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

19. Page 3, line 8.

**Following:** "Exceptions."

**Strike:** "Notice"

**Insert:** "A written statement of consultation prior to the performance of an abortion"

**Following:** "[section 4]"

**Strike:** "or [section 5]"

**Following:** "if"

**Strike:** ":"

20. Page 3, line 9.

**Strike:** "(1)"

21. Page 3, line 10.

**Following:** "to"

**Strike:** "provide notice;"

**Insert:** "obtain a written statement."

22. Page 3, line 11 through line 12.

**Strike:** line 11 through line 12 in their entirety

23. Page 3, line 20 through page 4, line 23.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

24. Page 4, line 26.

**Following:** "[section 4]"

**Strike:** "or [section 5]"

25. Page 4, line 28.

**Following:** "to"

**Strike:** "provide the notice"

**Insert:** "obtain the signed written statement"

**Following:** "[section 4]"

**Strike:** "or [section 5]"

26. Page 4, line 30.

**Following:** "than failure to"

**Strike:** "notify the parents or guardian"

**Insert:** "obtain the signed written statement"

**Following:** "the failure to"

**Strike:** "notify"

**Insert:** "obtain the signed written statement"

27. Page 5, line 1.

**Following:** "Failure to"

**Strike:** "provide notice"

**Insert:** "obtain the signed written statement"

28. Page 5, line 2.

**Strike:** "9"

**Insert:** "7"

29. Page 5, line 9.

**Following:** "authorized to"

**Strike:** "receive notice"

**Insert:** "sign a written statement"

**Following:** "[section 4]"

**Strike:** "or [section 5]"

30. Page 5, line 9 through line 10.

**Following:** "signs a" on line 9

**Strike:** remainder of line 9 through "[section 6(2)]" on line 10

**Insert:** "written statement"

31. Page 5, line 25.

**Strike:** "9"

**Insert:** "7"

32. Page 7, line 8 through line 9.  
**Strike:** subsection (iv) in its entirety  
**Renumber:** subsequent subsections

33. Page 8, line 9.  
**Strike:** "9"  
**Insert:** "7"

34. Page 8, line 11.  
**Strike:** "9"  
**Insert:** "7"

- END -