

SENATE BILL REPORT

SB 6223

As of January 22, 2004

Title: An act relating to requiring parental notification for abortion.

Brief Description: Establishing parental notification requirements for abortion.

Sponsors: Senators Mulliken, Hargrove, Stevens, Swecker, Deccio, Rasmussen, Roach, Oke and Schmidt.

Brief History:

Committee Activity: Children & Family Services & Corrections: 1/23/04.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Staff: Edith Rice (786-7444)

Background: Abortion has been the subject of much judicial and legislative consideration since 1973. The United States and Washington Supreme Courts, the United States Congress and state Legislature, and the people exercising their initiative powers, have all acted on this subject.

In 1975, the Washington Supreme Court ruled the existing parental consent statute (RCW 9.02.070 (a)) violated both the due process and equal protection clauses of the federal Constitution in *State v. Koome* (84 Wn.2d 901 (1975)). The statute had required that an unmarried minor woman get her parents' consent in order to terminate her pregnancy. The opinion in *Koome* discussed and analyzed constitutional rights regarding minors, privacy, abortion, and parental consent. The court noted that "if parental supervision is considered valuable in itself, perhaps the state could make a certificate of parental consultation prerequisite to a minor's abortion." After noting the reasons for its findings the court went on to say "... we do not rule that the State cannot in any way regulate the performance of abortions on minors ... A statutory scheme which protected them without sacrificing the privacy rights of pregnant minor women could pass constitutional muster."

Summary of Bill: Physicians must notify one of the parents of a pregnant minor woman at least 48 hours before performing an abortion. An exception can be granted in a medical emergency. The minor woman can elect not to allow the notification of her parents and petition a court to authorize the abortion. The court must determine if she is mature, capable of giving informed consent and has given consent. The court can also determine if an abortion would be in her best interests if she is not mature or capable of giving informed consent. The court may appoint a guardian ad litem and provide court appointed counsel. All court proceedings are confidential and must be conducted expeditiously. Information required in the application is specified. No person may coerce a minor into having an abortion. Penalties for violation of the provisions of this law include license suspensions for a minimum of three months.

Appropriation: None.

Fiscal Note: Requested on January 21, 2004.

Effective Date: The bill contains an emergency clause and takes effect immediately.