

2016 -- S 2536

LC004860

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HEALTH AND SAFETY - ABORTION ANTI-COERCION ACT

Introduced By: Senators Ciccone, McCaffrey, Goodwin, Ruggerio, and DiPalma

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby amended by adding thereto the following chapter:

CHAPTER 4.13

ABORTION ANTI-COERCION ACT

23-4.13-1. Short title. – This act shall be known and may be cited as the "Abortion Anti-Coercion Act".

23-4.13-2. Definitions. – For the purposes of this section, "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus who died as a result of natural causes, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

23-4.13-3. Posting of notice. – (a) Any private office, freestanding surgical outpatient clinic or other facility, or clinic in which abortions, other than abortions necessary to prevent the death of the pregnant female, are performed shall conspicuously post a sign in a location so as to be clearly visible to patients, which reads:

"Notice: It is against the law for anyone, regardless of his or her relationship to you, to force you to have an abortion. By law, we cannot perform an abortion on you unless we have

1 your freely given and voluntary consent. It is against the law to perform an abortion on you
2 against your will. You have the right to contact any local or state law enforcement agency to
3 receive protection from any actual or threatened physical abuse or violence."

4 (b) The sign required pursuant to subsection (a) herein shall be printed with lettering that
5 is legible and shall be in at least three quarters (3/4") inch boldfaced type.

6 (c) A facility in which abortions are performed that is a private office or a freestanding
7 surgical outpatient clinic shall post the required sign in each patient waiting room and patient
8 consultation room used by patients on whom abortions are performed. A hospital or any other
9 facility in which abortions are performed that is not a private office or freestanding surgical
10 outpatient clinic shall post the required sign in each patient admission area used by patients on
11 whom abortions are performed.

12 **23-4.13-4. Minors.** – (a) Notwithstanding the provisions of § 23-4.7-6, if the pregnant
13 female is a minor, the attending physician shall inform the female that no one can force her to
14 have an abortion and that an abortion cannot be performed on her unless she provides her freely
15 given, voluntary and informed consent.

16 (b) The minor female shall certify in writing, prior to the performance of the abortion that
17 she was informed by the attending physician of the information as required by this section. A
18 copy of the written certification shall be placed in the minor's file and kept for at least seven (7)
19 years or for two (2) years after the minor reaches the age of majority, whichever is greater.

20 **23-4.13-5. Administrative penalties.** – Any private office, freestanding surgical
21 outpatient clinic or other facility, or clinic that fails to post a required sign in knowing, reckless,
22 or negligent violation of this chapter shall be assessed a fine of ten thousand dollars (\$10,000).
23 Each day on which an abortion, other than an abortion necessary to prevent the death of the
24 pregnant female, is performed in any private office, freestanding surgical outpatient clinic or
25 other facility, or clinic during which the required sign is not posted during a portion of business
26 hours when patients or prospective patients are present is a separate violation.

27 **23-4.13-6. Civil remedies.** – (a) An action may be brought by or on behalf of an
28 individual injured by the failure to post the required sign. A plaintiff in an action under this
29 section may recover damages for emotional distress and other damages allowed by law.

30 (b) An action may be brought by or on behalf of an individual injured by the failure to
31 inform a minor female of the required information. A plaintiff in an action under this section may
32 recover damages for emotional distress and other damages allowed by law.

33 (c) The sanctions and actions provided in this section do not displace any sanction
34 applicable under other law.

1 (d) In any civil proceeding or action brought under this chapter the anonymity of any
2 woman upon whom an abortion was performed shall be preserved from public disclosure unless
3 she gives her consent to such disclosure. The court, upon motion, or sua sponte, shall issue orders
4 to the parties, witnesses, and counsel, and shall direct the sealing of the record and exclusion of
5 individuals from courtrooms or hearing rooms, to the extent necessary to safeguard her identity
6 from public disclosure. In the absence of written consent of the woman upon whom an abortion
7 was performed or attempted, anyone who brings an action under this chapter shall do so under a
8 pseudonym. This section may not be construed to conceal the identity of the plaintiff or of
9 witnesses from the defendant.

10 **23-4.13-7. Construction.** – (a) Nothing in this chapter shall be construed as creating or
11 recognizing a right to abortion.

12 (b) It is not the intention of this chapter to make lawful an abortion that is currently
13 unlawful.

14 **23-4.13-8. Severability.** – If any section or provision of this chapter or the application of
15 any section or provision is held invalid, that invalidity shall not affect other sections, provisions,
16 or applications, and to this end the sections and provisions of this chapter are declared severable.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY - ABORTION ANTI-COERCION ACT

- 1 This act would require facilities which perform abortions to post a conspicuous notice
2 informing patients that abortions require free and voluntary consent without coercion.
3 This act would take effect upon passage.

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