

HOUSE RESEARCH

Bill Summary

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Subject: Unborn Child Pain Prevention Act

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Overview

This bill establishes the Unborn Child Pain Prevention Act.

Section

- 1** **Short title.** Provides the title Unborn Child Pain Prevention Act.
- 2** **Unborn child pain prevention**

Subd. 1. Definitions. Provides definitions for the purposes of this section.

(1) Abortion. Defines abortion as the term is used in section 144.343, subdivision 3.

(2) Attempt to perform an abortion. Defines attempt to perform an abortion as it is used in section 145.4241, the Woman's Right to Know Act.

(3) Unborn child. Defines unborn child as the term is used in section 145.4241, the Woman's Right to Know Act.

(4) Medical emergency. Defines medical emergency as the term is used in section 145.4241, the Woman's Right to Know Act.

(5) Physician. Defines physician as the word is used in section 145.4241, the Woman's Right to Know Act.

Section

Subd. 2. Unborn child pain prevention. Directs that prior to performing an abortion on an unborn child who is of 20 weeks gestational age or more, the physician or the physician's agent shall inform the female if an anesthetic would eliminate or alleviate pain to the unborn child caused by the method of abortion. Provides that the physician or physician's agent shall inform the woman of risks associated with the anesthetic. Provides that with the woman's consent, the physician shall administer the anesthetic.

Subd. 3. Criminal penalties. Provides that any person who knowingly or recklessly performs or attempts to perform an abortion in violation of this section is guilty of a felony. States the penalty does not apply to the woman upon whom the abortion is performed.

Subd. 4. Civil remedies. Paragraph (a). Provides that actual and punitive damages may be sought by any person upon whom an abortion has been performed, the father or grandparents of an unborn child, against a person who knowingly or recklessly performed an abortion in violation of this section. Provides that actual and punitive damages may be sought by any person upon whom an abortion has been attempted against the person who attempted the abortion in knowing or reckless disregard of this section.

Paragraph (b). Provides that the plaintiff will be awarded reasonable attorney's fees if the plaintiff prevails. Provides the defendant will be awarded reasonable attorney's fees if the defendant prevails and the court finds the plaintiff's suit was frivolous and brought in bad faith.

Subd. 5. Protection of privacy. Provides that if the woman does not consent to disclosure of her identity in a civil or criminal proceeding, the court shall make a ruling whether to preserve her anonymity. The order shall be accompanied by specific findings, including how the order is narrowly tailored and how there are no less restrictive alternatives available. Provides that this section cannot be construed to conceal the identity of the plaintiff or a witness from the defendant.

Subd. 6. Severability. Provides a severability clause.