1	H. B. 2279
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3	(By Delegate Border)
4	[Introduced January 12, 2011; referred to the
5	Committee on the Judiciary.]
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L 0	A BILL to amend and reenact \$16-2F-3 of the Code of West Virginia,
L1	1931, as amended, relating to requiring that abortion
L2	providers notify the parents of a minor seeking an abortion
L3	forty-eight hours before performing the procedure.
L 4	Be it enacted by the Legislature of West Virginia:
L 5	That $\$16-2F-3$ of the Code of West Virginia, 1931, as amended,
L 6	be amended and reenacted to read as follows:
L 7	ARTICLE 2F. PARENTAL NOTIFICATION OF ABORTIONS PERFORMED ON
L 8	UNEMANCIPATED MINORS.
L 9	§16-2F-3. Parental notification required for abortions performed
20	on unemancipated minors; waiver; notice to minor of
21	right of petition to circuit court; minor to be
22	referred for counseling.
23	(a) No A physician may not perform an abortion upon an

- 1 unemancipated minor unless such physician has given or caused to be
  2 given at least twenty-four forty-eight hours actual notice to one
  3 of the parents or to the legal guardian of the pregnant minor of
  4 his or her intention to perform the abortion, or, if the parent or
  5 guardian cannot be found and notified after a reasonable effort so
  6 to do to do so, without first having given at least forty-eight
  7 hours constructive notice computed from the time of mailing to the
  8 parent or to the legal guardian of the minor: Provided, That prior
  9 to giving the notification required by this section, the physician
  10 shall advise the unemancipated minor of the right of petition to
  11 the circuit court for waiver of notification: Provided, however,
  12 That any such notification may be waived by a duly acknowledged
  13 writing signed by a parent or the guardian of the minor.
- (b) Upon notification being given to any parent or to the legal guardian of such pregnant minor, the physician shall refer such pregnant minor to a counselor or caseworker of any church or school or of the Department of Health and Human services Resources or of any other comparable agency for the purpose of arranging or accompanying such pregnant minor in consultation with her parents. Such counselor shall thereafter be authorized to monitor the circumstances and the continued relationship of and between such minor and her parents.
- 23 (c) Parental notification required by subsection (a) of this 24 section may be waived by a physician, other than the physician who

- 1 is to perform the abortion, if such other physician finds that the
- 2 minor is mature enough to make the abortion decision independently
- 3 or that notification would not be in the minor's best interest:
- 4 Provided, That such other physician shall not be associated
- 5 professionally or financially with the physician proposing to
- 6 perform the abortion.

NOTE: The purpose of this bill is to require forty-eight hours notice to the parents of a minor seeking an abortion before performing the abortion. Current law requires a twenty-four hour notice.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.