Fact Sheet: Parental Notification of Abortion Act, HB 221

HB 221 provides a safeguard for girls under 18 seeking an abortion. The Act requires that a physician give notice to the parent or guardian of an un-emancipated minor 48 hours prior to the scheduled abortion procedure. 37 states have parental involvement laws on abortion.

In order to protect the health and safety of minors and the constitutional rights of parents to rear their children, it is essential for the states to enact parental involvement laws. The USSC has made it abundantly clear that such laws are constitutional when drafted properly and further important legitimate state interests. The safety of minors and the rights of parents demand no less.

This Act:

1) promotes the state’s interest in protecting the health and welfare of minors
2) promotes the state’s interest in protecting the constitutional rights of parents to raise their children
3) empowers minors’ ability to make a fully-informed decision on abortion, taking into account immediate and long-term medical, emotional, and psychological consequences of abortion
4) ensures minors’ past medical history is taken into account when making an abortion decision

**HB 221 PROTECTS PARENT’S RIGHTS AND ESTABLISHES PHYSICIAN’S RESPONSIBILITY.**

The vast majority of abortions are surgical procedures—life changing events for young girls with well documented physical, emotional and psychological side effects per the American Journal of Obstetrics and Gynecology.

**Parental notification exists by NM law in every aspect of a minor’s life- except abortion**

- Minors cannot obtain an aspirin from school without parental notification and consent.
- Minors cannot go on school field trips without parental notification and consent.
- Minors cannot drink, get tattoos, smoke, or serve in the military without parental notification and consent.
- Minors cannot open a bank account or withdraw funds without parental notification and consent.

**Minors should not be expected to manage their own health care**

- Abortion doctors must be held responsible to notify parents of their minor’s abortion.
- Doctors and health care professionals across all spectrums are required to notify parents on behalf of minor’s medical care.
□ A minor child age 13, 14 years old should not be expected to manage their own health care while undergoing a life changing invasive, medical procedure, with so many risks.

□ Parental involvement provides vital information to avert medical risks that will affect their child’s health, safety and emotional wellbeing.

□ Parents have to deal with the aftermath of their minor daughter’s abortion – they are held responsible for any costs or complications.

Parents’ Rights

□ SCOTUS: “constitutional interpretation has consistently recognized that the parents’ claim to authority in their own household to direct the rearing of their children is basic in the structure of our society.” [98]

□ SCOTUS: “It is cardinal with us that the custody, care and nature of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.” [99]

Parental notification will stop cycles of abuse

□ Minor girls are often pressured to have abortions to cover up evidence of statutory rape or abuse.

□ Parental involvement brings crimes of abuse to the attention of law enforcement officials.

□ Parental notification improves family communication and decision-making.

□ Studies also reveal that younger women tend to find abortion more painful than do older adults, [85] and that patients typically found abortion more painful than their doctors or counselors expected. [86] The use of more powerful general anesthetics can reduce the pain, but significantly increases the risk of cervical injury or uterine perforation. [87]

□ Complications such as these are common, as are bleeding, hemorrhage,[88] laceration of the cervix, [89] menstrual disturbance, [90] inflammation of the reproductive organs, [91] bladder or bowel perforation, [92] and serious infection. [93]

□ Even more harmful long term physical complications from abortion may surface later. For example, overzealous curettage can damage the lining of the uterus and lead to permanent infertility. [94] Overall, women who have abortions face an increased risk of ectopic (tubal) pregnancy [95] and a more than doubled risk of future sterility. [96] Perhaps most important of all, the risk of these sorts of complications, along with risks of future miscarriage, increase with each subsequent abortion. [97]

82. Nancy Wells, D.N.Sc., R.N., "Pain and Distress During Abortion," Health Care for Women International, Vol 12 (1991), pp. 296-297. Actually, all 35 women participating in Wells' study (100%) reported some degree of pain during the abortion, which 34.4% described as "intense."


90. Stubblefield, cited in note 9, p. 1023

92. Ibid.


