

1 HB494  
2 158670-4  
3 By Representatives Jones, Merrill, Beckman, Williams (J),  
4 Shedd, Weaver, Baker, Wallace, Johnson (K), Collins, Nordgren,  
5 Hammon, Tuggle, Sessions, Rich, McClurkin, Greer and Henry  
6 RFD: Health  
7 First Read: 13-FEB-14

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 Relating to the Parental Consent Law; to amend  
9 Sections 26-21-1 to 26-21-4, inclusive, and Section 26-21-7,  
10 Code of Alabama 1975, and to add Section 26-21-6.1 to the Code  
11 of Alabama 1975, to require the signature of a parent, legal  
12 guardian, or adoptive parent of a minor to a consent form to  
13 be signed in the presence of the abortion provider or agent  
14 and to be accompanied with specific identification and  
15 evidence, and to provide for certain alternative  
16 identification and evidence requirements; to require certain  
17 documents proving that a minor is emancipated to be certified  
18 by the appropriate issuing authority; to prohibit a parent,  
19 legal guardian, custodian, or any other person from coercing a  
20 minor to have an abortion performed; to provide that the  
21 Department of Public Health develop appropriate forms for the  
22 consent and emancipation; to provide for certain civil actions  
23 including professional disciplinary actions and license  
24 suspension; to provide for the right of intervention; to  
25 provide for the appointment of a guardian ad litem to  
26 represent the interests of the unborn child during certain  
27 proceedings; to provide for certain civil actions based on a

1 violation of Title 26, Chapter 21, Code of Alabama 1975; and  
2 to provide for certain exemptions from liability for  
3 physicians.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 26-21-1 to 26-21-4, inclusive,  
6 and Sections 26-21-6 and 26-21-7, Code of Alabama 1975, are  
7 amended to read as follows:

8 "§26-21-1.

9 "(a) It is the intent of the Legislature in enacting  
10 this parental consent provision to further the important and  
11 compelling state interests of: (1) protecting minors against  
12 their own immaturity, (2) fostering the family structure and  
13 preserving it as a viable social unit, and (3) protecting the  
14 rights of parents to rear children who are members of their  
15 household.

16 "(b) The Legislature finds as fact that: (1)  
17 immature minors often lack the ability to make fully informed  
18 choices that take account of both immediate and long-range  
19 consequences, (2) the medical, emotional, and psychological  
20 consequences of abortion are serious and can be lasting,  
21 particularly when the patient is immature, (3) the capacity to  
22 become pregnant and the capacity for mature judgment  
23 concerning the wisdom of an abortion are not necessarily  
24 related, (4) parents ordinarily possess information essential  
25 to a physician's exercise of his or her best medical judgment  
26 concerning the child, and (5) parents who are aware that their  
27 minor daughter has had an abortion may better insure that she

1 receives adequate medical attention after her abortion. The  
2 Legislature further finds that parental consultation is  
3 usually desirable and in the best interests of the minor.

4 "(c) The Legislature further finds that the United  
5 States Supreme Court has held under certain circumstances a  
6 minor may seek permission to have an abortion without her  
7 parent's consent by petitioning a court. The Legislature  
8 enacts a judicial by-pass procedure for the purposes of  
9 meeting the Constitutional standard and finds that in order to  
10 do substantial justice it is necessary that the Alabama courts  
11 be provided guidance in determining appropriate procedure and  
12 evidence.

13 "(d) The Legislature further finds the public policy  
14 of the State of Alabama is to respect life and provide  
15 safeguards to protect life in the criminal, health, and other  
16 laws of the State of Alabama; that in respecting and  
17 protecting life, there is included the unborn life of a child  
18 whose life may be subject to termination before birth by  
19 abortion and that when the mother of said unborn life is a  
20 minor who seeks an abortion through the judicial by-pass  
21 procedure, it is the interest of the State of Alabama to not  
22 only establish and protect the rights of the minor mother, but  
23 also to protect the state's public policy to protect unborn  
24 life; the protection of these interests is done, in part, by  
25 requiring judges to make determinations pursuant to the  
26 judicial by-pass procedure and to require said judges be

1 provided with sufficient evidence and information upon which  
2 they may make informed and proper decisions.

3 "(e) Alabama judges are called upon to make  
4 decisions not only respecting the lives of born persons, such  
5 as in capital punishment cases, but also respecting the lives  
6 of unborn persons, such as in judicial by-pass cases for minor  
7 abortions; it is always the Legislature's intent to provide  
8 guidance to the Alabama courts on how life may be best  
9 protected.

10 "(f) It is not the intent of the Legislature to  
11 place an undue burden on the minor's otherwise legal right to  
12 make a decision on whether to obtain an abortion of her unborn  
13 child; the Legislature's intent is to provide guidance and  
14 assistance to minors who find themselves in the unfortunate  
15 position of having to make such decisions and to courts who  
16 must act in the place of parents in providing an alternative  
17 by-pass mode for decision making.

18 "§26-21-2.

19 "For purposes of this chapter, the following  
20 definitions shall apply:

21 "(1) MINOR. Any person under the age of 18 years;

22 "(2) EMANCIPATED MINOR. Any minor who is or has been  
23 married or has by court order otherwise been legally freed  
24 from the care, custody, and control of her parents;

25 "(3) ABORTION. The use or prescription of any  
26 instrument, medicine, drug, or any other substance or device  
27 with the intent to terminate the pregnancy of a woman known to

1 be pregnant, with intent other than to increase the  
2 probability of a live birth, to preserve the life or health of  
3 the child after live birth, or to remove a dead or dying  
4 unborn child knowledge that the termination by those means  
5 will with reasonable likelihood cause the death of the unborn  
6 child. Such use or prescription is not an abortion if done  
7 with the intent to save the life or preserve the health of an  
8 unborn child, remove a dead unborn child, or to deliver the  
9 unborn child prematurely in order to preserve the health of  
10 both the mother (pregnant woman) and her unborn child. The  
11 term "abortion" as used herein does not include a procedure or  
12 act to terminate the pregnancy of a woman with an ectopic  
13 pregnancy, nor does it include the procedure or act to  
14 terminate the pregnancy of a woman where the unborn child has  
15 a lethal anomaly. For the purposes of this act a "lethal  
16 anomaly" means the child would die at birth, or be stillborn.  
17 For purposes of this act, the term "ectopic pregnancy" means  
18 any pregnancy resulting from a fertilized egg that was  
19 implanted or attached outside the uterus. The term "ectopic  
20 pregnancy" also includes a pregnancy resulting from a  
21 fertilized egg implanted inside the cornu of the uterus.

22 "(4) MEDICAL EMERGENCY. A condition that, absent an  
23 abortion performed before the requirements of this act are  
24 met, and based on the applicable standard of care, is likely  
25 to result in the death of the pregnant woman or is likely to  
26 result in substantial irreversible impairment of a major

1 bodily function of the pregnant woman, not including  
2 psychological or emotional conditions.

3 "§26-21-3.

4 "(a) Except as otherwise provided in subsections (b)  
5 and ~~(e)~~ (d) of this section and Sections 26-21-4 and 26-21-5  
6 hereof, no ~~person~~ physician shall perform an abortion upon an  
7 unemancipated minor unless ~~he or she~~ the physician or his or  
8 her agent first obtains the written consent of either parent  
9 or the legal guardian of the minor.

10 "~~(b) If the minor's pregnancy was caused by sexual~~  
11 ~~intercourse with the minor's natural father, adoptive father,~~  
12 ~~or stepfather or legal guardian, then written notice to the~~  
13 ~~minor's mother by certified mail shall be sufficient.~~

14 "~~(c)~~ (b) The ~~person~~ physician who shall perform the  
15 abortion or his or her agent shall obtain or be provided with  
16 the written consent from either parent or legal guardian  
17 stating the names of the minor, parent, or legal guardian,  
18 that he or she is informed that the minor desires an abortion  
19 and does consent to the abortion, the date, and the consent  
20 shall be signed by either parent or legal guardian. ~~The~~  
21 ~~unemancipated minor shall verify on the same form, by her~~  
22 ~~signature and in the presence of such person who shall perform~~  
23 ~~the abortion or his or her agent, that the signature of the~~  
24 ~~parents, parent, or legal guardian is authentic. The consent~~  
25 ~~shall be kept as a part of the minor's patient file for four~~  
26 ~~years.~~ The signatures of the parents, parent, or legal  
27 guardian shall be affixed and the information required in this

1 subsection shall be on a form to be provided by, and shall be  
2 written in the presence of, the physician who shall perform  
3 the abortion or his or her agent. The parents, parent, or  
4 legal guardian shall provide to the physician who shall  
5 perform the abortion or his or her agent, evidence of  
6 parentage or legal guardianship. For parents or a parent,  
7 there shall also be required a certified birth certificate of  
8 the minor identifying the minor and the parents or parent. For  
9 a legal guardian or adoptive parent, there shall be required a  
10 duly certified court order or other official document naming  
11 the legal guardian or adoptive parent as such for the minor.  
12 If official photographic personal identification has not been  
13 issued to any parents, parent, or legal guardian, other  
14 official identification shall be acceptable, provided the  
15 parents, parent, or legal guardian affirms in writing on the  
16 form herein required under oath, with recognition of criminal  
17 penalties, that he or she does not possess any photographic  
18 identification and that the alternative personal  
19 identification provided is his or her identification. The  
20 parent, parents or legal guardian signing the consent shall  
21 attest with recognition of criminal penalties that he or she  
22 is the parent or legal guardian, has not been deprived of  
23 primary custody or joint physical custody of the minor by any  
24 court of law, and has not given the child up for adoption or  
25 otherwise waived parental rights. If the minor does not have a  
26 certified birth certificate, an abortion may be performed only  
27 if the physician who shall perform the abortion certifies in



1 writing in the minor's medical record that a medical emergency  
2 exists or that there is insufficient time to obtain a  
3 certified birth certificate, and provided the minor can  
4 provide other government issued identification. The parents,  
5 parent, or minor shall obtain a certified birth certificate as  
6 soon thereafter as possible and provide a certified copy to  
7 the physician who performed the abortion or his or her agent,  
8 and if it is not received within 90 days, he or she shall  
9 report the failure to the State of Alabama Department of  
10 Public Health on a form provided by the department. Any  
11 certified document, a photocopy of the personal  
12 identification, and any other documentation required by this  
13 subsection shall be attached to the completed consent form and  
14 shall be kept as a part of the minor's patient file for four  
15 years. All signatures required by this act by the minor,  
16 parent, parents, legal guardian, physician or other person  
17 shall be attested by a notary public.

18 ~~"(d)~~(c) If the minor is emancipated, the ~~person~~  
19 physician who shall perform the abortion or his or her agent  
20 shall obtain a written ~~statement form~~ form stating the name of the  
21 emancipated minor, that the minor is emancipated, the type of  
22 emancipation, and the date, and the form shall be signed by  
23 the emancipated minor. The written ~~statement form~~ form shall be  
24 signed in the presence of the ~~person~~ physician who shall  
25 perform the abortion or his or her agent and witnessed by ~~him~~  
26 ~~or her~~ the physician or the agent. The emancipated minor shall  
27 also provide a license or certificate of marriage, judgment,

1 or decree of divorce, order of emancipation or relieving her  
2 of the disabilities of nonage, or other court document  
3 evidencing her marriage, divorce, or emancipation. Any such  
4 document shall be a copy of the original, duly certified by  
5 the appropriate court. A copy of any such Such certified  
6 document shall be attached to the written ~~statement~~ form and  
7 kept as a part of the minor's patient file for four years.

8 ~~"(e)~~ (d) A minor, including a ward of the state, who  
9 elects not to seek or does not or cannot for any reason,  
10 including unavailability or refusal by either or both parents  
11 or legal guardian, obtain consent from either of her parents  
12 or legal guardian under this section, may petition, on her own  
13 behalf, the juvenile court, or court of equal standing, in the  
14 county in which the minor resides ~~or in the county in which~~  
15 ~~the abortion is to be performed~~ for a waiver of the consent  
16 requirement of this section pursuant to the procedure of  
17 Section 26-21-4.

18 "(e) A parent, legal guardian, custodian, or any  
19 other person, shall not coerce a minor to have an abortion  
20 performed.

21 "(f) The Department of Public Health shall propose  
22 within 90 days of the effective date of this act, the forms  
23 required in subsections (b) and (c).

24 "§26-21-4.

25 "(a) A minor who elects not to seek or does not or  
26 cannot for any reason, obtain consent from either of her  
27 parents or legal guardian, may petition, on her own behalf,

1 the juvenile court, or the court of equal standing, in the  
2 county in which the minor resides ~~or in the county in which~~  
3 ~~the abortion is to be performed~~ for a waiver of the consent  
4 requirement of this chapter. Notice by the court to the  
5 minor's parents, parent, or legal guardian shall not be  
6 required or permitted. The requirements and procedures under  
7 this chapter shall apply and are available only to minors  
8 ~~whether or not they~~ who are residents of this state.

9 "(b) The minor may participate in proceedings in the  
10 court on her own behalf. The court shall advise her that she  
11 has a right to be represented by an attorney and that if she  
12 is unable to pay for the services of an attorney one will be  
13 appointed for her. If the court appoints an attorney to  
14 represent her, such attorney shall be compensated as provided  
15 in Section 15-12-21. If the minor petitioner chooses to  
16 represent herself, such pleadings, documents, or evidence that  
17 she may file with the court shall be liberally construed by  
18 the court so as to do substantial justice. ~~Hearsay evidence~~  
19 ~~shall be admissible.~~

20 "(c) The court shall insure that the minor is given  
21 assistance in preparing and filing the petition ~~and shall~~  
22 ~~insure that the minor's identity is kept confidential.~~ Such  
23 assistance may be provided by court personnel including intake  
24 personnel of juvenile probation services. The minor's identity  
25 shall be kept confidential, but her identity may be made known  
26 to the judge, any guardian ad litem, any representative of the  
27 Attorney General's Office, appropriate court personnel, any

1 witness who has a need to know the minor's identity, or any  
2 other person determined by the court who needs to know. Any  
3 person who is given the identity of the minor shall keep her  
4 name confidential and shall not give it to any other person,  
5 unless otherwise ordered by the court.

6 "(d) The petition required in Section 26-21-3~~(e)~~(d)  
7 shall be made under oath and shall include all of the  
8 following:

9 "(1) A statement that the petitioner is pregnant;

10 "(2) A statement that the petitioner is unmarried,  
11 under 18 years of age, and unemancipated;

12 "(3) A statement that the petitioner wishes to have  
13 an abortion without the consent of either parent or legal  
14 guardian.

15 "(4) An allegation of either or both of the  
16 following:

17 "a. That the petitioner is sufficiently mature and  
18 well enough informed to intelligently decide whether to have  
19 an abortion without the consent of either of her parents or  
20 legal guardian.

21 "b. That one or both of her parents or her guardian  
22 has engaged in a pattern of physical, sexual, or emotional  
23 abuse against her, or that the consent of her parents, parent  
24 or legal guardian otherwise is not in her best interest.

25 "(5) A statement as to whether the petitioner has  
26 retained an attorney and the name, address, and telephone  
27 number of her attorney.

1           "(e) Court proceedings shall be given such  
2 precedence over other pending matters as is necessary to  
3 insure that the court may reach a decision promptly, but in no  
4 case, except as provided herein, shall the court fail to rule  
5 within ~~72~~ 48 hours of the time the petition is filed,  
6 Saturdays, Sundays, and legal holidays excluded. Provided,  
7 however, this time requirement may be extended on the request  
8 of the minor or any other participant in the proceeding, or by  
9 order of the court for the purpose of obtaining further  
10 testimony or evidence necessary for it to make an informed  
11 decision and to do substantial justice. If a juvenile court  
12 judge is not available for the hearing provided herein, the  
13 clerk of the court in which the petition was filed shall  
14 forthwith notify the presiding circuit court judge and the  
15 presiding circuit court judge of the circuit shall immediately  
16 appoint a district or circuit court ~~level~~ judge to hear the  
17 petition.

18           "(f) Except as otherwise required by the section,  
19 this court shall adhere to the Rules of Juvenile Procedure,  
20 the Rules of Civil Procedure and Rules of Evidence required of  
21 Alabama courts. The court shall assure that it is presented  
22 sufficient probative evidence upon which to make its findings,  
23 either granting or denying the minor's petition. If the court  
24 determines at the initial hearing on the petition that  
25 additional evidence or testimony is necessary, the court may  
26 adjourn the hearing and issue instanter subpoenas or otherwise  
27 permit any party or participant in the hearing to bring before

1 the court admissible evidence or testimony either in support  
2 of or against the petition.

3 "(f)(g) The required consent shall be waived if the  
4 court finds either:

5 "(1) That the minor is mature and well-informed  
6 enough to make the abortion decision on her own; or

7 "(2) That performance of the abortion would be in  
8 the best interest of the minor.

9 "(h) In determining if either of the requirements in  
10 subsection (g) are met, the court shall require that the minor  
11 provide probative and admissible evidence that she has been  
12 informed and understands the medical procedure of abortion and  
13 its consequences and that she has been informed and counseled  
14 by a qualified person as to the alternatives to abortion. She  
15 shall explain each of the foregoing to the court and the court  
16 shall be satisfied that she is making an informed judgment and  
17 shall document its finding in its order. The minor shall  
18 present such additional probative evidence to the court of her  
19 maturity that demonstrates to the court that she has  
20 sufficient experience with and understanding of life which  
21 enables her to make mature and informed decisions. Further,  
22 the minor may provide to the court a substantive explanation  
23 of why she cannot consult with her parent, parents, or legal  
24 guardian to assist her in making the decision. It shall not be  
25 sufficient that the court find the minor mature because she  
26 has requested relief from the court, but rather the totality  
27 of the evidence must be probative and of such weight to prove

1 that the minor is mature and well-informed enough to make the  
2 abortion decision on her own, or that the performance of the  
3 abortion will be in her best interest. Uncorroborated legal  
4 conclusions by the minor shall not be sufficient to support a  
5 determination by the court to grant her petition. In the event  
6 of a denial of the petition by the court, the minor may  
7 re-file the petition once for a de novo hearing with the  
8 court.

9 "(i) The court shall immediately notify the Attorney  
10 General's Office of the filing of the petition on the day of  
11 such filing and the Attorney General or his or her  
12 representative shall participate as an advocate for the state  
13 to examine the petitioner and any witnesses, and to present  
14 evidence for the purpose of providing the court with a  
15 sufficient record upon which to make an informed decision and  
16 to do substantial justice.

17 "(j) In the court's discretion, it may appoint a  
18 guardian ad litem for the interests of the unborn child of the  
19 petitioner who shall also have the same rights and obligations  
20 of participation in the proceeding as given to the Attorney  
21 General. The guardian ad litem shall further have the  
22 responsibility of assisting and advising the court so the  
23 court may make an informed decision and do substantial  
24 justice. The guardian ad litem shall be compensated as  
25 provided in Section 15-12-21.

26 "(k) Either the Attorney General or his or her  
27 representative, or any other party in the proceeding may

1 request the court for additional time either before the  
2 hearing has begun or during the hearing, if justice requires,  
3 to obtain evidence, subpoena witnesses, or to obtain and  
4 present any evidence or information which will be necessary  
5 and appropriate for the court to make an informed decision. In  
6 any event, any such delay shall not be more than one business  
7 day for which the applicable court is open to the public,  
8 unless justice requires an extension thereof. The length of  
9 time for any such delay and the information, evidence, or  
10 subpoena sought shall be within the sound discretion of the  
11 trial court subject to the time constraints of the petitioner  
12 related to her medical condition.

13 "(l) Although the court shall not be required or  
14 permitted to contact the minor's parent, parents, or legal  
15 guardian, in the event that the minor's parent, parents, or  
16 legal guardian are otherwise aware of the by-pass proceeding,  
17 they, he, or she shall be given notice of and be permitted to  
18 participate in the proceeding and be represented by counsel  
19 with all of the rights and obligations of any party to the  
20 proceeding.

21 "(g)(m) A court that conducts proceedings under this  
22 section shall issue written and specific factual findings and  
23 legal conclusions supporting its decision and shall order that  
24 a confidential record of the evidence be maintained for at  
25 least four years. A transcript of the proceedings shall be  
26 recorded and if there is an appeal as provided in subsection



1       ~~(h)~~ (n), a transcript of the proceedings shall be prepared  
2       forthwith.

3               "~~(h)~~ (n) An expedited confidential and anonymous  
4       appeal shall be available to any minor to whom the court  
5       denies a waiver of consent, the Attorney General, and any  
6       guardian ad litem, or the parent, parents, or legal guardian  
7       of the minor. If notice of appeal is given, the record of  
8       appeal shall be completed and the appeal shall be perfected  
9       within five days from the filing of the notice of appeal.  
10       Briefs shall not be required but may be permitted. Because  
11       time may be of the essence regarding the performance of the  
12       abortion, the Alabama Supreme Court shall issue promptly such  
13       additional rules as it deems are necessary to insure that  
14       appeals under this section are handled in an expeditious,  
15       confidential and anonymous manner.

16               "~~(i)~~ (o) All proceedings under this chapter shall be  
17       confidential and anonymous. In all pleadings or court  
18       documents, the minor shall be identified by initials only.

19               "~~(j)~~ (p) No fees or costs shall be required of any  
20       minor who avails herself of the procedures provided by this  
21       section.

22               "(q) proceedings under this section and with the  
23       consent of the minor for whom such proceedings are conducted,  
24       the court may refer for prosecution any criminal charge that  
25       may be known to said court, including, but not limited to,  
26       statutory rape.

27               "§26-21-6.

1           (a) (1) Any person who intentionally performs or  
2 causes to be performed an abortion in violation of the  
3 provisions of this chapter or intentionally fails to conform  
4 to any requirement of this chapter, shall be guilty of a Class  
5 A misdemeanor. ~~Any person found guilty under this section~~  
6 ~~shall immediately forfeit any professional license they may~~  
7 ~~hold.~~

8           (2) Any conviction of any person for any failure to  
9 comply with the requirements of this chapter shall result in  
10 the automatic immediate suspension of the person's  
11 professional license for a period of at least one year and  
12 shall be reinstated after that time only on such conditions as  
13 the appropriate regulatory or licensing body shall require to  
14 insure compliance with this chapter.

15           (b) In addition to whatever remedies are available  
16 under the common or statutory law of this state, failure to  
17 comply with the requirements of this chapter shall provide a  
18 basis for professional disciplinary action under any  
19 applicable statutory or regulatory procedure for the  
20 suspension or revocation of any license for physicians,  
21 psychologists, licensed social workers, licensed professional  
22 counselors, registered nurses, or other licensed or regulated  
23 persons.

24           "§26-21-7.

25           "(a) No physician who complies with the parental  
26 consent ~~requirement(s)~~ requirements of this chapter shall be  
27 liable in any manner to the minor upon whom the abortion was

1 performed for any claim whatsoever arising out of or based on  
2 the disclosure of any information concerning the medical  
3 condition of such minor to her ~~parent(s) or legal guardian(s);~~  
4 ~~provided that~~ parent, parents, or legal guardian.

5 Notwithstanding the foregoing, a physician who performs an  
6 abortion pursuant to a court order obtained under ~~the~~  
7 ~~provisions of~~ this chapter, shall not disclose any information  
8 regarding same to the ~~parent(s) or legal guardian(s)~~ parent,  
9 parents, or legal guardian of the minor unless such disclosure  
10 is made pursuant to a court order. In no event shall the  
11 physician be under any duty to initiate proceedings in any  
12 court to secure a waiver of the parental consent requirement  
13 on behalf of any minor who has requested that an abortion be  
14 performed.

15 "(b) Any physician who complies with this chapter  
16 may not be held civilly liable to his or her patient for  
17 failure to obtain consent to the abortion required by this  
18 chapter.

19 "(c) A physician or his or her agent who  
20 demonstrates compliance with the requirements of this chapter  
21 shall not bear criminal or civil liability for the deliberate,  
22 intentional, or willful action by the minor or any other  
23 person acting in concert with or on behalf of the minor to  
24 present fabricated, altered, forged, or counterfeit  
25 identification, certificates, or other documentation to  
26 satisfy the parental consent requirements of this chapter."

1                   Section 2. Section 26-21-6.1 is added to Chapter 21,  
2 Title 26, Code of Alabama 1975, as follows:

3                   §26-21-6.1.

4                   In addition to whatever remedies are available under  
5 the common or statutory law of this state, failure to comply  
6 with the requirements of this chapter shall provide a basis  
7 for a civil action for compensatory and/or punitive damages.  
8 Any criminal conviction under this chapter shall be admissible  
9 in a civil suit as prima facie evidence of a failure to obtain  
10 an informed consent or parental or judicial consent. The civil  
11 action may be based on a claim that the action was a result of  
12 simple negligence, gross negligence, wantonness, willfulness,  
13 intention, or breach of other legal standard of care. The  
14 Medical Liability Act of 1987 shall not apply to any civil  
15 causes of action brought pursuant to this act.

16                   Section 3. The provisions of this act are severable.  
17 If any part of this act is declared invalid or  
18 unconstitutional, that declaration shall not effect the part  
19 which remains.

20                   Section 4. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Health ..... 13-FEB-14

Read for the second time and placed  
on the calendar with 1 substitute  
and..... 25-FEB-14

Read for the third time and passed  
as amended..... 04-MAR-14

Yeas 53, Nays 0, Abstains 2

Jeff Woodard  
Clerk