

116TH CONGRESS
2D SESSION

S. 3686

To provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2020

Mr. BRAUN (for himself, Mr. CRAMER, Mr. RUBIO, Mr. COTTON, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. ENZI, Mr. ROUNDS, Ms. ERNST, Mr. MORAN, Mr. SCOTT of South Carolina, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Parental Notification
5 and Intervention Act”.

6 **SEC. 2. PARENTAL NOTIFICATION.**

7 (a) IN GENERAL.—It shall be unlawful for any per-
8 son or organization in or affecting interstate or foreign
9 commerce or who solicits or accepts Federal funds to per-

1 form any abortion on an unemancipated minor under the
2 age of 18, to permit the facilities of the person or organi-
3 zation to be used to perform any abortion on such a minor,
4 or to assist in the performance of any abortion on such
5 a minor if the person or organization has failed to comply
6 with all of the following requirements:

7 (1) The provision of written notification to the
8 parents (as defined in subsection (f)) of the minor
9 informing the parents that an abortion has been re-
10 quested for the minor, except that such notification
11 is not required for a parent if the physician is pre-
12 sented with documentation showing with a reason-
13 able degree of certainty that a court of record in the
14 minor's State of residence has waived any parental
15 notification. The court of record shall not waive any
16 parental notification requirement unless there is
17 clear and convincing evidence of physical abuse of
18 the minor by such parent.

19 (2) Compliance with a 96-hour waiting period
20 after notice has been received by the parents.

21 (3) Compliance with any injunction granted
22 under section 3 relating to the abortion.

23 (b) FINE FOR VIOLATION.—Whoever willfully violates
24 subsection (a) shall be fined not more than \$100,000 or

1 imprisoned not more than one year, or both, for each viola-
2 tion.

3 (c) EXCEPTION.—Subsection (a) shall not apply with
4 respect to an unemancipated minor for whom an abortion
5 is sought if a physician (other than the physician with
6 principal responsibility for making the decision to perform
7 the abortion) makes a determination that—

8 (1) a medical emergency exists which, with rea-
9 sonable medical certainty, so complicates the medical
10 condition of the minor that the death of the minor
11 would result from the failure to immediately treat
12 her physical condition even though the treatment
13 may result in the death of her unborn child;

14 (2) parental notification is not possible as a re-
15 sult of the medical emergency; and

16 (3) certifications regarding compliance with
17 paragraphs (1) and (2) have been entered in the
18 medical records of the minor, together with the rea-
19 sons upon which the determinations are based, in-
20 cluding a statement of relevant clinical findings.

21 (d) PARENTAL NOTIFICATION REQUIREMENTS.—For
22 purposes of this section, any parental notification provided
23 to comply with the provisions of subsection (a) for a par-
24 ent shall be—

25 (1) delivered personally to the parent; or

1 (2) provided through certified mail in accord-
2 ance with all of the following procedures:

3 (A) The certified mail is addressed to the
4 parent.

5 (B) The address used is the dwelling or
6 usual place of abode of the parent.

7 (C) A return receipt is requested.

8 (D) The delivery is restricted to the par-
9 ent.

10 (e) LIMITATION.—A mother seeking an abortion, or
11 upon whom an abortion is performed, may not be found
12 liable for a violation of this section.

13 (f) PARENT DEFINED TO INCLUDE LEGAL GUARD-
14 IAN.—For purposes of this Act, the term “parent” in-
15 cludes, with respect to an unemancipated minor, any legal
16 guardian of the minor.

17 **SEC. 3. PARENTAL INTERVENTION.**

18 Any parent required to be notified pursuant to sec-
19 tion 2 regarding an abortion of an unemancipated minor
20 may bring an action in the Federal district court where
21 the parent resides or where the unemancipated minor is
22 located to enjoin the performance of the abortion. The
23 court shall issue a temporary injunction barring the per-
24 formance of the abortion until the issue has been adju-
25 dicated and the judgment is final. The court shall issue

1 relief permanently enjoining the abortion unless the court
2 determines that granting such relief would be unlawful.

3 **SEC. 4. PREEMPTION.**

4 Nothing in this Act shall be construed to preempt any
5 provision of State law to the extent that such State law
6 establishes, implements, or continues in effect greater pa-
7 rental notification requirements or intervention rights re-
8 garding abortion than those provided under this Act.

9 **SEC. 5. EFFECTIVE DATE AND SEVERABILITY.**

10 (a) **EFFECTIVE DATE.**—The provisions of this Act
11 shall take effect upon its enactment.

12 (b) **SEVERABILITY.**—The provisions of this Act shall
13 be severable. If any provision of this Act, or any applica-
14 tion thereof, is found unconstitutional, that finding shall
15 not affect any provision or application of the Act not so
16 adjudicated.

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