

1 House BILL NO. 414
 2 INTRODUCED BY Holmes, Rosmus
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PROBLEM
 5 PREGNANCY COUNSELING; ESTABLISHING AN INTERAGENCY COMMITTEE
 6 TO COORDINATE TRAINING FOR COUNSELORS; AMENDING SECTIONS
 7 69-6901, 69-6902, 69-6903, 69-6905, 69-6906, AND 69-6907,
 8 R.C.M. 1947, AND REPEALING SECTIONS 69-6904 AND 69-6908,
 9 R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 69-6901, R.C.M. 1947, is amended to
 13 read as follows:

14 "69-6901. Purpose of act. The state of Montana,
 15 recognizing the complexity and gravity of decisions
 16 associated with ~~medical-termination-of~~ pregnancy, declares
 17 it the policy of the state to provide for the accessibility
 18 of approved qualified counseling services for any female
 19 resident of Montana who ~~may-request-medical-termination-of~~
 20 her-pregnancy demonstrates a need for problem pregnancy
 21 counseling. The policy stated in this act shall be a
 22 minimum standard for ~~abortion~~ counseling services and is not
 23 intended to limit the availability."

24 Section 2. Section 69-6902, R.C.M. 1947, is amended to
 25 read as follows:

1 "69-6902. Definitions. For the purposes of this act,
 2 the following terms are defined as follows:

3 ~~(1)--Abortion--is--the--intentional--termination--of~~
 4 ~~pregnancy.~~

5 ~~(2)--The-division-is-the-division-of-maternal-and-child~~
 6 ~~health-care-of-the-department-of--health--and--environmental~~
 7 ~~sciences.~~

8 ~~(3)--Approved--counselor--is--a--person--approved--by--the~~
 9 ~~division-for-the-counseling-provided-for-in-this-act.~~

10 (1) Problem pregnancy is a pregnancy which causes a
 11 woman mental or emotional distress.

12 (2) The committee is the interagency committee on
 13 staff training created in section 7 of this act.

14 ~~(4)-(3) Medical facility is any office, clinic, or~~
 15 ~~hospital. where-abortion-or-the-scheduling-of-abortion-takes~~
 16 ~~place~~

17 ~~(5)-(4) Priority appointment is any appointment with a~~
 18 ~~problem pregnancy counselor approved--by--the-division-for~~
 19 ~~abortion-counseling,~~ which shall be arranged at the earliest
 20 reasonable time in the counselor's schedule.

21 (5) Problem pregnancy counselor is a person who has
 22 successfully completed the staff training course established
 23 by the interagency committee."

24 Section 3. Section 69-6903, R.C.M. 1947, is amended to
 25 read as follows:

1 "69-6903. Purpose of counseling. The purpose of ~~the~~
 2 problem pregnancy counseling ~~of---patients---considering~~
 3 ~~abortion~~ shall be:

4 (a) to assist the patient in recognizing and evaluating
 5 all of the possible alternatives open to her;

6 (b) to encourage the patient to face and express her
 7 deep feelings in regard to the multiple aspects of ~~abortion~~
 8 pregnancy;

9 (c) to enhance the mental stability of the patient in
 10 regard to her ~~decision~~ decisions;

11 (d) to encourage the responsible facing of any decision
 12 in regard to ~~abortion~~ the pregnancy at the earliest possible
 13 state of her pregnancy."

14 Section 4. Section 69-6905, R.C.M. 1947, is amended to
 15 read as follows:

16 "69-6905. Approval Selection of counselors. (1) ~~The~~
 17 ~~division--in-consultation-with-the-mental-health-division-of~~
 18 ~~the--board--of--institutions,--shall--develop--criteria--and~~
 19 ~~standards--concerning--the-approval-of-counselors-called-for~~
 20 ~~in-this-act.--These~~ The criteria for choosing candidates for
 21 training should include, but not be limited to,
 22 consideration of the following qualifications:

23 (a) proficiency, experience, and training in the field
 24 of counseling;

25 (b) understanding of the problems related to abortion;

1 (c) ability to remain objective in regard to the
 2 patient's choice of alternative courses of action;

3 (d) ability to hold in confidence all personal
 4 information revealed in or, in regard to counseling
 5 sessions.

6 (2) In its process of ~~evaluating--and--approving~~
 7 selecting counselors for the implementation of this act, the
 8 division committee shall cooperate with appropriate state
 9 agencies and local government subdivisions, subject to
 10 ethical considerations as practiced by accredited medical
 11 and therapeutic professions.

12 (3) Approved Qualified counselors for the purpose of
 13 this act may be chosen from among local representatives of
 14 such professions as: psychologists, social workers,
 15 clergymen, nurses, school counselors, mental health
 16 personnel, and family planning counselors.

17 (4) The division committee shall assist and make use of
 18 medically creditable resources offered by existing programs
 19 and agencies which deal with counseling.

20 (5) The division committee shall be responsible for
 21 re-evaluating the counseling services provided for in this
 22 act at intervals of not more than five (5) years."

23 Section 5. Section 69-6906, R.C.M. 1947, is amended to
 24 read as follows:

25 "69-6906. Responsibility of medical facilities. (1)

1 Upon first indication by a female patient or potential
 2 patient that ~~medical-termination-of-pregnancy-is-being~~
 3 ~~considered,~~ her pregnancy is the cause of mental or
 4 emotional distress for her, a physician or medical facility
 5 shall inform the patient of the availability of qualified
 6 counselors and shall, with the patient's approval, refer her
 7 to ~~an--approved~~ a qualified counselor for a priority
 8 appointment.

9 (2) In the case of an unmarried minor, the physician,
 10 or medical facility, or their designate, shall make a
 11 priority appointment for the patient to meet with ~~an~~
 12 approved a qualified counselor of the patient's choice."

13 Section 6. Section 69-6907, R.C.M. 1947, is amended to
 14 read as follows:

15 "69-6907. Minimum counseling services. (1) Minimum
 16 counseling services shall be provided to any pregnant woman
 17 residing in Montana who may express an interest in
 18 ~~terminating-her-pregnancy problem pregnancy counseling.~~

19 ~~(2)-Minimum-counseling-services-shall-include,-but--may~~
 20 ~~not-be--limited--to--one-counseling-session-before-and-one~~
 21 ~~after-a-termination-of-pregnancy.~~

22 ~~(3)-(2)~~ (2) If reasonable, and desired by the patient, the
 23 counselor may include the father of the unborn child or any
 24 other pertinent family members in a subsequent meeting with
 25 the patient."

1 ~~(4)-Where-the--person--seeking--the--counseling--cannot~~
 2 ~~afford--to--pay--the--minimum--fee,-the-division-will-find-a~~
 3 ~~counselor-who-is-reasonably-accessible-for-the--patient--who~~
 4 ~~will-provide-counseling-services-at-no-cost.~~

5 Section 7. There is a new R.C.M. section that reads as
 6 follows:

7 Interagency committee -- creation and organization.
 8 There is created an interagency committee on staff training
 9 for the purpose of coordinating staff training of employees
 10 involved with problem pregnancy counseling. The committee
 11 shall be composed of representatives from the appropriate
 12 bureaus of the departments of social and rehabilitation
 13 services, health and environmental sciences, and
 14 institutions, appointed by the department directors. The
 15 committee head shall be a citizen, not employed by any of
 16 the above mentioned departments, to be appointed by the
 17 governor with the advice of the committee. The budget and
 18 report of the committee shall be presented to the three (3)
 19 department directors for review. Any money appropriated to
 20 the department of health and environmental sciences for the
 21 sole purpose of administering this act shall be spent based
 22 upon the recommendation of the committee.

23 Section 8. There is a new R.C.M. section that reads as
 24 follows:

25 Functions of committee. The committee shall coordinate

1 staff training of persons involved in problem pregnancy
2 counseling, and may conduct education programs and
3 distribute information as to the availability of services.
4 Non-agency counselors are to be encouraged to attend the
5 staff training sessions which shall be located in geographic
6 areas of the state convenient to local citizens. Upon
7 completion of appropriate training sessions, the committee
8 shall distribute the name of each person who successfully
9 completes the training to local physicians and other
10 appropriate persons.

11 Section 9. Sections 69-6904 and 69-6908, R.C.M. 1947,
12 are repealed.

-End-

Approved by Committee on Public Health, Welfare & Safety

House BILL NO. *414*
Holmes, Rosmus

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PROBLEM PREGNANCY COUNSELING; ESTABLISHING AN INTERAGENCY COMMITTEE TO COORDINATE TRAINING FOR COUNSELORS; AMENDING SECTIONS 69-6901, 69-6902, 69-6903, 69-6905, 69-6906, AND 69-6907, R.C.M. 1947, AND REPEALING SECTIONS 69-6904 AND 69-6908, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-6901, R.C.M. 1947, is amended to read as follows:

"69-6901. Purpose of act. The state of Montana, recognizing the complexity and gravity of decisions associated with ~~medical-termination-of~~ pregnancy, declares it the policy of the state to provide for the accessibility of approved qualified counseling services for any female resident of Montana who ~~may-request-medical-termination-of~~ her-pregnancy demonstrates a need for problem pregnancy counseling. The policy stated in this act shall be a minimum standard for ~~abortion~~ counseling services and is not intended to limit the availability."

Section 2. Section 69-6902, R.C.M. 1947, is amended to read as follows:

"69-6902. Definitions. For the purposes of this act, the following terms are defined as follows:

~~(1) Abortion is the intentional termination of pregnancy.~~

~~(2) The division is the division of maternal and child health care of the department of health and environmental sciences.~~

~~(3) Approved counselor is a person approved by the division for the counseling provided for in this act.~~

(1) Problem pregnancy is a pregnancy which causes a woman mental or emotional distress.

(2) The committee is the interagency committee on staff training created in section 7 of this act.

~~(4) (3) Medical facility is any office, clinic, or hospital, where abortion or the scheduling of abortion takes place~~

~~(5) (4) Priority appointment is any appointment with a problem pregnancy counselor approved by the division for abortion counseling, which shall be arranged at the earliest reasonable time in the counselor's schedule.~~

(5) Problem pregnancy counselor is a person who has successfully completed the staff training course established by the interagency committee."

Section 3. Section 69-6903, R.C.M. 1947, is amended to read as follows:

1 "69-6903. Purpose of counseling. The purpose of the
2 problem pregnancy counseling ~~of---patients---considering~~
3 ~~abortion~~ shall be:

4 (a) to assist the patient in recognizing and evaluating
5 all of the possible alternatives open to her;

6 (b) to encourage the patient to face and express her
7 deep feelings in regard to the multiple aspects of ~~abortion~~
8 pregnancy;

9 (c) to enhance the mental stability of the patient in
10 regard to her ~~decision~~ decisions;

11 (d) to encourage the responsible facing of any decision
12 in regard to ~~abortion~~ the pregnancy at the earliest possible
13 state of her pregnancy."

14 Section 4. Section 69-6905, R.C.M. 1947, is amended to
15 read as follows:

16 "69-6905. Approval Selection of counselors. (1) ~~The~~
17 ~~division--in-consultation-with-the-mental-health-division-of~~
18 ~~the--board--of--institutions,--shall--develop--criteria--and~~
19 ~~standards--concerning--the-approval-of-counselors-called-for~~
20 ~~in-this-act.--These~~ The criteria for choosing candidates for
21 training should include, but not be limited to,
22 consideration of the following qualifications:

23 (a) proficiency, experience, and training in the field
24 of counseling;

25 (b) understanding of the problems related to abortion;

1 (c) ability to remain objective in regard to the
2 patient's choice of alternative courses of action;

3 (d) ability to hold in confidence all personal
4 information revealed in or, in regard to counseling
5 sessions.

6 (2) In its process of ~~evaluating--and--approving~~
7 selecting counselors for the implementation of this act, the
8 division committee shall cooperate with appropriate state
9 agencies and local government subdivisions, subject to
10 ethical considerations as practiced by accredited medical
11 and therapeutic professions.

12 (3) Approved Qualified counselors for the purpose of
13 this act may be chosen from among local representatives of
14 such professions as: psychologists, social workers,
15 clergymen, nurses, school counselors, mental health
16 personnel, and family planning counselors.

17 (4) The division committee shall assist and make use of
18 medically creditable resources offered by existing programs
19 and agencies which deal with counseling.

20 (5) The division committee shall be responsible for
21 re-evaluating the counseling services provided for in this
22 act at intervals of not more than five (5) years."

23 Section 5. Section 69-6906, R.C.M. 1947, is amended to
24 read as follows:

25 "69-6906. Responsibility of medical facilities. (1)

1 Upon first indication by a female patient or potential
 2 patient that ~~medical--termination--of--pregnancy--is--being~~
 3 ~~considered,~~ her pregnancy is the cause of mental or
 4 emotional distress for her, a physician or medical facility
 5 shall inform the patient of the availability of qualified
 6 counselors and shall, with the patient's approval, refer her
 7 to ~~an--approved~~ a qualified counselor for a priority
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9 (2) In the case of an unmarried minor, the physician,
 10 or medical facility, or their designate, shall make a
 11 priority appointment for the patient to meet with ~~an~~
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13 Section 6. Section 69-6907, R.C.M. 1947, is amended to
 14 read as follows:

15 "69-6907. Minimum counseling services. (1) Minimum
 16 counseling services shall be provided to any pregnant woman
 17 residing in Montana who may express an interest in
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5 Section 7. There is a new R.C.M. section that reads as
 6 follows:

7 Interagency committee -- creation and organization.
 8 There is created an interagency committee on staff training
 9 for the purpose of coordinating staff training of employees
 10 involved with problem pregnancy counseling. The committee
 11 shall be composed of representatives from the appropriate
 12 bureaus of the departments of social and rehabilitation
 13 services, health and environmental sciences, and
 14 institutions, appointed by the department directors. The
 15 committee head shall be a citizen, not employed by any of
 16 the above mentioned departments, to be appointed by the
 17 governor with the advice of the committee. The budget and
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9 completes the training to local physicians and other
10 appropriate persons.

11 Section 9. Sections 69-6904 and 69-6908, R.C.M. 1947,
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