

1 H BILL NO. 544
 2 INTRODUCED BY ~~George Mark Lee~~
 3 Sheldon Dussanet Holmes

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 69-6101, R.C.M. 1947, TO CONFORM WITH RECENT UNITED STATES
 6 SUPREME COURT DECISIONS; TO PROVIDE UNIFORM ACCESS TO FAMILY
 7 PLANNING SERVICES; AND TO PROVIDE FOR REFUSAL TO ACCEPT OR
 8 SUPPLY SUCH SERVICES."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Purpose. The purpose of this act is to:

12 (1) assist in making comprehensive voluntary family
 13 planning services readily available to all persons desiring
 14 such services; and

15 (2) develop and make readily available information and
 16 educational materials on family planning and population
 17 growth to all persons desiring such information.

18 Section 2. Definitions. As used in this act, "family
 19 planning services" means counseling, educational and medical
 20 services, including diagnosis, treatment, devices, and
 21 related counseling, furnished, prescribed by, or under the
 22 supervision of a physician, to enable individuals of
 23 childbearing ages voluntarily to limit their family size or
 24 to space their children.

25 Section 3. Availability of services. No person of

1 childbearing age may be denied family planning services.
 2 Family planning services shall be available to all persons
 3 without regard to religion, creed, age, sex, social origin
 4 or condition, or marital status.

5 Section 4. Voluntary participation. (1) The refusal of
 6 a person to accept family planning services does not affect
 7 the right of that person to receive public assistance or
 8 other public benefit. A person offered family planning
 9 services shall be so advised orally and in writing.

10 (2) A person may not be required to state the reasons
 11 for refusing the offer of family planning services.

12 Section 5. Refusal by employee to offer services. (1)
 13 An employee of a state department or agency may refuse to
 14 accept the duty of offering family planning services when it
 15 is contrary to his personal or religious beliefs. The
 16 employee must notify his immediate supervisor in writing of
 17 such refusal to assure that arrangements can be made for
 18 eligible persons to obtain the information and services from
 19 another employee.

20 (2) Refusal to offer family planning services in
 21 accordance with subsection (1) is not grounds for
 22 disciplinary action, dismissal, an interdepartmental
 23 transfer, or other employment discrimination; for suspension
 24 from employment; or for any loss in pay or other benefits.

25 Section 6. Construction. This act shall be construed

1 to protect the rights of each person to pursue his religious
2 beliefs, to follow the dictates of his own conscience, to
3 prevent imposition upon the person's moral standards, and to
4 respect the right of each person to self-determination in
5 respect to family planning.

6 Section 7. Section 69-6101, R.C.M. 1947, is amended to
7 read as follows:

8 "69-6101. Consent of minor for health services — when
9 valid. The consent to the provision of medical or surgical
10 care or services by a hospital, public clinic, or the
11 performance of medical or surgical care or services by a
12 physician, licensed to practice medicine in this state may
13 be given by a minor who professes or is found to meet any of
14 the following descriptions:

15 (1) A minor who is or was ever married, or has had a
16 child, or graduated from high school, or is emancipated; or

17 (2) A minor who has been separated from his parent,
18 parents, or legal guardian for whatever reason and is
19 supporting himself by whatever means; or

20 (3) A minor who professes or is found to be pregnant,
21 or afflicted with any reportable communicable disease
22 including venereal disease, or drug and substance abuse
23 including alcohol. This self-consent only applies to the
24 prevention, diagnosis, and treatment of those conditions
25 specified in this subsection. The self-consent in the case

1 of pregnancy, venereal disease, and drug and substance abuse
2 also obliges the health professional, if he accepts the
3 responsibility for treatment, to counsel the minor by
4 himself or by referral to another health professional for
5 counseling; or

6 ~~(4) A minor who seeks family planning services as~~
7 ~~defined in [section 2 of this act];~~

8 ~~(4)(5)~~ A minor who needs emergency care, including
9 transfusions, without which his health will be jeopardized.
10 The parent, parents, or legal guardian shall be informed as
11 soon as practical except in conditions mentioned in
12 subsections (1), (2), (3), or (4) of this section; or

13 ~~(5)(6)~~ A minor who has had a child may give effective
14 consent to health service for his child; or

15 ~~(6)(7)~~ A minor may give consent for health care for
16 his spouse if his spouse is unable to give consent by reason
17 of physical or mental incapacity."

-End-

Approved by Committee
on Public Health, Welfare
& Safety

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2 INTRODUCED BY FABREGA, MOORE,
3 TOWER, SHELDEN, DUSSAULT, HOLMES
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