WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED
Committee Substitute for
SENATE BILL NO. 243

(By Mr. Huffman)

PASSED March 12, 1982
In Effect ninety days from Passage
AN ACT to amend article nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nine, relating to public health; requiring parental notification prior to performing an abortion on an unemancipated minor; and providing for waiver of notification by another physician.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nine, to read as follows:

ARTICLE 9. OFFENSES GENERALLY.

§16-9-9. Parental notification required for abortion performed on minors; penalties.
1 (a) No physician may perform an abortion upon an unemancipated pregnant woman under the age of eighteen years without first having given at least twenty-four hours actual notice to one of the parents or the legal guardian of the minor pregnant woman as to the intention to perform such abortion or if such parent or guardian cannot be reached after a reasonable effort to find him or her, without first having given at least forty-eight hours constructive notice to one of the parents or the legal guardian of the minor pregnant woman by certified mail to the last known address of one of
the parents or guardian, computed from the time of mailing:

Provided, That the parents may, in a personal interview with
the physician, execute a written waiver of the twenty-four
hour notice requirement of this section.

(b) Notice under this section may be waived by a
physician other than the attending physician if such
physician finds that the minor is mature enough to make the
abortion decision independently or that notification would
not be in the minor's best interest. Provided, That such
physician shall not be associated professionally or financially
with the physician proposing to perform the abortion.

(c) This section does not apply where there is an
emergency need for an abortion to be performed such that
continuation of the pregnancy provides an immediate threat
and grave risk to the life or health of the pregnant woman and
the attending physician so certifies in writing.

(d) Any physician performing an abortion upon an
unemancipated pregnant woman under the age of eighteen
years shall provide the department of health a written report
of the procedure within thirty days after having performed
the abortion. The report shall be on a form and in the manner
prescribed and provided by the director of the department of
health. The report shall not contain the name, address or
other information by which the woman receiving the abortion
may be identified.

(e) Anyone who violates this section is guilty of a
misdemeanor, and, upon conviction thereof, shall be fined
not less than twenty dollars nor more than fifty dollars or
imprisoned in the county jail not more than thirty days, or
both fined and imprisoned.

(f) Any person who, without being first duly licensed as a
physician in this state, performs or attempts to perform an
abortion upon another person who is an unemancipated
pregnant woman under the age of eighteen years, or performs
or attempts to perform any medical procedure which may
reasonably be foreseen as likely to result in an abortion is
guilty of a felony, and, upon conviction thereof, shall be fined
ten thousand dollars or imprisoned not less than ten years, or
both fined and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

[Signature]

The within is approved this the 31

day of March, 1982.

[Signature]

Governor