

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1868** Session of  
1979

INTRODUCED BY FREIND, F. J. LYNCH, MULLEN, MICOZZIE, ALDEN,  
DURHAM, GANNON AND ARTY, OCTOBER 17, 1979

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, OCTOBER 17, 1979

AN ACT

1 Amending the act of September 10, 1974 (P.L.639, No.209),  
2 entitled "An act regulating abortions; providing requirements  
3 relating to consent, and protection of premature infants  
4 aborted alive; limiting the subsidizing of abortions;  
5 providing for the powers and duties of the Department of  
6 Health; and prescribing penalties," further providing for  
7 consent.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Subsection (b) of section 3, act of September 10,  
11 1974 (P.L.639, No.209), known as the "Abortion Control Act," is  
12 amended to read:

13 Section 3. Consent to Abortion; Limitations on Public  
14 Officials.--

15 \* \* \*

16 [(b) No abortion shall be performed upon any person in the  
17 absence of the written consent of (i) the spouse of such person  
18 provided that the whereabouts of such spouse can be learned from  
19 such person or from other readily available sources and he can

1 be notified and that the abortion is not certified by a licensed  
2 physician to be necessary in order to preserve the life or  
3 health of the mother, (ii) one parent or person in loco parentis  
4 of such person if such person is under eighteen years of age and  
5 unmarried, unless the abortion is certified by a licensed  
6 physician as necessary in order to preserve the life of the  
7 mother.]

8 (b) (1) No abortion shall be performed upon any unmarried  
9 person, under the age of eighteen years, in the absence of:

10 (i) the written consent of one parent or the person acting  
11 in loco parentis of such person; or

12 (ii) authorization of the court of common pleas obtained  
13 pursuant to this clause. A minor required to obtain judicial  
14 authorization under this section may petition the court asking  
15 for either of the following determinations:

16 (A) that she is sufficiently mature and adequately informed  
17 to make her abortion decision, in consultation with her  
18 physician, independently of her parents wishes; or

19 (B) if the court does not make an affirmative finding under  
20 subclause (A), that the court determines the abortion would be  
21 in her best interests.

22 The court may make a determination without notifying or  
23 consulting with the minor's parents, or it may defer its  
24 decision until their is parental consultation in which the court  
25 may participate. In all cases, the court shall base its decision  
26 solely on the best interests of the minor.

27 (2) The provisions of paragraph (1) relating to parental  
28 consent or judicial authorization shall not be applicable if the  
29 minor's physician certifies that the abortion is necessary to  
30 preserve the life or health of the mother.

1       \* \* \*

2       Section 2.   This act shall take effect in 60 days.