

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

April 19, 1999 Hearing Room 357

1:00 p.m. Tapes 109 - 114

MEMBERS PRESENT: Rep. Lane Shetterly, Chair

Rep. Max Williams, Vice-Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Vic Backlund

Rep. Randall Edwards

Rep. Kathy Lowe

Rep. Vicki Walker

Rep. Larry Wells

Rep. Bill Witt

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD: HB 2633 Public Hearing

HB 2460 Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 109, A		

003	Chair Shetterly	Calls meeting to order at 1:07 p.m.
<u>HB 2460 WORK SESSION</u>		
014	Rep. Williams	MOTION: Moves HB 2460 to the WAYS & MEANS COMMITTEE WITHOUT RECOMMENDATION as to passage.
		VOTE: 7-0 AYE: 7 - Backlund, Edwards, Lowe, Walker, Wells, Williams, Shetterly EXCUSED: 2 - Uherbelau, Witt
Chair Shetterly		The motion CARRIES.
<u>HB 2633 - PUBLIC HEARING</u>		
052	Counsel Felton	HB 2633 requires notice to parent or guardian before abortion is performed on minor or ward, with specific exceptions. Presents the hand engrossed 8 amendments (EXHIBIT A).
070	Greg Chaimov	Legislative Counsel Explains the -8 amendments that include some additional clarity about eliminating the circuit court review on decisions of abortion, but does not change the substance of HB 2633 (EXHIBIT B).
118	Rep. Kitty Piercy	State Representative, House District 39 Testifies in opposition to HB 2633. Explains why this bill was not passed last session. Discusses and gives examples for reasons why parents do not need parental notification for abortions. Expresses support for the current Oregon law.
170	Rep. Karen Minnis	State Representative, House District 20 Testifies in opposition to HB 2633. Discusses why HB 2633 is a statute that tries to fits all family situations and why it doesn't work.
187	Rep. Jo Ann Bowman	State Representative, House District 19 Testifies and submits written testimony in opposition to HB 2633 (EXHIBIT C). Discusses reasons for opposition to HB 2633. Gives medical statistics on abortion. States that the state of Oregon cannot mandate family communication which is what HB 2633 is trying to do.

237	Sen. Ginny Burdick	State Senator, District 6 Testifies in opposition to HB 2633. Discusses the choices of a pregnant minor concerning the decision of abortion. States that a pregnant minor needs the support of her family not the long arm of the government.
283	Jay Jamison, M.D.	Family Physician Testifies and submits written testimony in support of HB 2633 (EXHIBIT D). Presents argument in favor of parental notification of abortions. Explains a Procedure-Alternatives-Risks format concerning communication between a doctor and parents regarding abortion. Discusses the benefit of current laws in United States for notification of abortions. Gives reasons why informed parents can contribute to the welfare of the pregnant child.
359	Rep. Uherbelau	Asks about the current Oregon laws that do not require a parent to be notified for medically treating a minor children.
376	Jamison	Those laws refer to medical treatments and not to surgical procedures.
382	Rep. Edwards	Are you pro-choice on abortions?
390	Jamison	I am pro-life.
401	Rep. Witt	This bill is not about pro-life or pro-choice, but about parental notification.
411	Leon Harrington, M.D.	Psychiatrist, Oregon Testifies and submits written testimony in support of HB 2633 (EXHIBIT E). Discusses some of the reasons why a minor pregnant child may choose abortion and the ramifications of that decision. Discusses the emotional and psychological effects of abortions on minor children.
Tape 110, A		
038	Harrington	Gives statistics regarding abortion in Oregon. Discusses the reasons why some may oppose HB 2633 and the effect those reasons has on the pregnant child. Gives statistics regarding the decline of abortion in other states after a parent notification law was passed. States that if parents are notified, statistics show that there was family support and less physical problems.
120	Jane Doe	Mother, testifying under a false name Testifies in support of HB 2633. Relates a personal story regarding her minor daughter's abortion.
155	Becki Herbert	Citizen, State of Oregon

		Testifies in support of HB 2633. Relates story of her own pregnancies and abortions and the effect it had on her life. Explains the Healing Encouragement for Abortion Related Trauma (HEART) group and the help it gave her to overcome the guilt of her abortions.
275	Grant Higginson, M.D.	Physician, Department of Human Resources (DHR) Testifies in opposition to HB 2633 (EXHIBIT F). Discusses the fiscal impact concerns of HB 2633. Explains the by-pass procedure regarding notification exemptions. Discusses the administrative reviews for parental notification by-pass time lines required by HB 2633 for small communities. Discusses the ability of the public health system to identify qualified staff to perform the administrative reviews. There is the problem for potential loss of patient confidentiality due to the greater number of individuals involved in the by-pass procedure. Explains the problem with the Health Division delegating administrative review to the local public health authority.
Tape 109, B		
020	Chair Shetterly	What kind of administrative functions does the Health Division delegate to counties?
022	Higginson	The primary function is delegating environmental health services to county health departments.
027	Chair Shetterly	Does the Health Division delegate out of the Portland office?
031	Higginson	Explains which offices handle the different health related functions in Oregon.
038	Rep. Witt	Asks about the statistics of a study done in Minnesota regarding the decrease of abortions after parental notification.
046	Higginson	I do not know, but would gladly get that information for you.
057	Rep. Uherbelau	Asks for a copy of the study done in Minnesota.
062	James Cross, M.D.	Oregon Medical Association Testifies in opposition to HB 2633. HB 2633 singles out a particular medical procedure. Explains the concerns about the burden placed on the medical provider for giving notification to the parents of minors. Discusses the possibility of delayed abortions if HB 2633 passes. States that the courts should have the right to review the medical provider's decisions concerning abortions. HB 2633 restricts the relationship between the doctor and patient.
112	David Fidanque	American Civil Liberties Union (ACLU)

		Testifies in opposition to HB 2633. ACLU supports all reproductive freedom for juveniles. Discusses judicial by-pass procedures regarding the abortion exemptions. Discusses the lack of confidentiality for abortions that HB 2633 will provide. Explains that the 8 amendments eliminate the circuit court review on decisions of abortion. States that there is no way to write HB 2633 to make it constitutional.
214	Lori Curran	Citizen, State of Oregon Testifies in support of HB 2633. Discusses the effect that pregnancy and abortion had in her life. States that a teenager is too young to decide abortion alone.
309	Brand Foht	Citizen, State of Oregon Testifies in support of HB 2633. Relates her personal story of pregnancy and abortion and the options that were presented to her at Planned Parenthood. Explains the support of family during the decision of abortion. Thankful for the opportunity of parent being present during the decision of abortion.
Tape 110, B		
007	Terry Daley	Downtown Women's Center, Inc., Portland, Oregon Testifies in opposition to HB 2633 (EXHIBIT G). Discusses what the Downtown Women's Center provides for those seeking advice on abortions. Gives examples of pregnant children that went to their parents for help with the abortion decision and the ramification of that decision.
056	Rep. Witt	Asks about the term, devout Roman Catholic family, used in Ms. Daley's testimony regarding a situation where a minor child went to the parents for abortion advise.
058	Daley	The minor child in describing her family used the term, devout Roman Catholic family.
067	Sandy Hansen	Oregon Affiliate of the National Abortion and Reproductive Rights Action League (NARAL) Testifies in opposition to HB 2633 (EXHIBIT H). Explains and give examples why HB 2633 is unnecessary in regards to notifying parents of abortions. Discusses why HB 2633 contributes to the delay of abortion. Discusses why parental notification does not work the way HB 2633 intends.
155	Lois Backus	Planned Parenthood, Columbia/Willamette area Testifies and submits written testimony in opposition to HB 2633 (EXHIBIT I). Discusses how medical providers can help a teen make an abortion decision. States that Planned Parenthood loses contact with the pregnant teen and is unable to help when the child notifies the parent.

212	Rep. Uherbelau	Asks whether Planned Parenthood advises on other options then abortion to pregnant teens.
222	Backus	Explains the Planned Parenthood's procedures for counseling a pregnant patient.
249	Rep. Edwards	What services are provided to a minor child after an abortion is performed?
256	Backus	Explains which counseling groups have been set-up and the reasons why women do not use these services. States that Planned Parenthood asks the individual what counseling they need and then they provide that service.
272	Hanson	Explains the various emotional feelings that an abortion patient experiences.
298	Rep. Roger Beyer	State Representative, House District 28 Testifies and explains why he supports HB 2633.
346	Christina Bern	Citizen, State of Oregon Testifies in support of HB 2633. Relates her personal story of pregnancy and abortion and her lack of communication with parents. Discusses young girls vulnerability to the guidance of people in clinics in relationship to the guidance received by parents. Discusses the ramifications in the future for the decisions made regarding abortions. States that most parents would be supportive of abortion situations.
Tape 111, A		
009	Athlynn Reeves	Crisis Pregnancy Center, Portland, Oregon Testifies in support of HB 2633. Discusses the abortion procedure and how it creates trauma in a young girls life. Explains the affects of legal abortions today and in the future. Young teens need support of the parents in the abortion issue. Tells her story of abortion and the regrets that followed. Explains the physical problems that can follow an abortion and how the patient does not return to the clinic for medical care where they received the abortion.
100	Bern	States that her abortion was 20 year ago, but she lives with the regrets of her abortion every day of her life.
104	Rep. Edwards	What type of counseling do you provide?
106	Reeves	The Crisis Pregnancy Center provides a post-abortion support groups called Healing Encouragement for Abortion Related Trauma (HEART).
109	Rep. Edwards	What credentials do you have to qualify you as a counselor?

114	Reeves	I have a masterís degree and my position is peer counselor. States that she also has had an abortion which further qualifies her.
118	Rep. Uherbelau	Asks about the patient not being informed about the abortion procedure.
130	Reeves	Explains that the experiences of not being informed of the abortion experience are told by the people she has counseled. States that the individuals that have abortions within one year are not in the trauma category yet and are referred to a one-to-one counseling instead of group counseling.
138	Rep. Uherbelau	States that there were many more infertility problems before Roe vs. Wade court case.
144	Reeves	Explains that people who have abortions seek help many years later.
163	Jennifer Sobolewski	Citizen, State of Oregon Testifies in opposition to HB 2633 and submits written testimony on behalf of Dr. Shulmire (EXHIBIT J). Reads Dr. Shulmireís written testimony concerning counseling young people who have abortions. Discusses the importance for pregnant teen girls to have complete sexual information.
221	Leslie Nicholas	All Womenís Health Services, Portland, Oregon Testifies and submits written testimony in opposition to HB 2633 (EXHIBIT K). Discusses why HB 2633 should not pass because of the possibility of sexual abuses to the minor pregnant child by a parent. States that HB 2633 would cause delays in abortion leading to later term abortions which are more expensive and have a potential for more complications. Explains the risk to the minor child who live in situations involving sexual or physical abusers.
273	Charlotte Comito	Citizen, State of Oregon Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT L). Discusses her story of abortion and the dangerous ramifications of parental notification in her situation.
359	Gayle Attebury	Oregon Right to Life Testifies and submits written testimony in support of HB 2633 (EXHIBIT M). Gives statistics from other states that have passed similar laws concerning parental notification. Relates a court cases that upheld parental consent laws to be constitutional. States that HB 2633 brings essential medical help from physicians to Oregon teens and their parents
Tape 112, A		
040	Attebury	Gives statistics in Oregon and other states concerning the effects that parental notifications had on abortions.

074	Rep. Wells	Asks about other states using the by-pass issue of the Supreme Court which exempts some minor children from notifying parents about abortion.
089	Attebury	Explains the Supreme Court's by-pass procedure for not notifying parents in certain circumstances.
110	Rep. Wells	What are the time lines involved in making the by-pass decision?
114	Attebury	Explains the by-pass procedure and time lines involved for exempting some parents from not being notified of an abortion.
129	Rep. Walker	Explains her story of sexual abuse and the effects that the parental notification requirement would have had on her family.
159	Rep. Edwards	Wouldn't the way the by-pass is set-up create problems for rural areas?
164	Attebury	Explains where a pregnant teenager from eastern Oregon would go for counseling through Oregon Right to Life.
174	Rep. Edwards	Would a pregnant teenager in eastern Oregon have to come to western Oregon for abortion counseling?
177	Attebury	Yes. There are very few abortion providers in eastern Oregon, though there is one in Bend, Oregon.
180	Rep. Edwards	Would HB 2633 make it hard for the pregnant teenagers in eastern Oregon to use the by-pass procedure?
190	Attebury	Explains the process of the by-pass procedure for pregnant teenagers in eastern Oregon regarding parental notification.
206	Rep. Edwards	Would the person have to travel at least once to western Oregon for 24 hours for the by-pass approval?
216	Attebury	Explains the time line for approving a by-pass approval.
220	Rep. Edwards	Is there a 48-hour waiting period before the by-pass approval is given for exemption of parental notification?
225	Attebury	Explains the 48-hour waiting period required by the by-pass procedure for exempting parental notification.
242	Michael Howden	Oregon Center for Family Policy

		<p>Testifies and submits written testimony in support of HB 2633 (EXHIBIT N). Discusses why the Oregon Center for Family Policy supports HB 2633 regarding the statistics in other states after a parental involvement law was passed. Explains the consequences concerning abortions and the difference families can make when involved with abortion decisions.</p>
347	Rep. Uherbelau	<p>Do studies show that a teenager freely chose or was coerced into abortion when a state passed a parental notification law?</p>
363	Howden	<p>No, but the parental notification law when passed in other states did not show any negative results.</p>
369	Vice-Chair Williams	<p>Recesses meeting at 4:00 p.m.</p>
373	Vice-Chair Williams	<p>Reconvenes meeting at 4:10 p.m.</p>
399	Sharon Brenner	<p>Citizen, State of Oregon</p> <p>Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT O). States that HB 2633 will not make a pregnant teenager go to their parents for advise which could result in disastrous consequences. States that parents cannot always predict how their daughters would behave with parental notification.</p>
460	Dana DeMaster	<p>Young Womenís Christian Association (YWCA), Portland, Oregon</p> <p>Testifies and submits written testimony on behalf of Ms. Alberty in opposition of HB 2633(EXHIBIT P). Discusses the YWCAís involvement in helping young woman make an abortion decision.</p>
Tape 111, B		
046	Betty McChesney Haus	<p>American Association of University Women (AAUW), Oregon</p> <p>Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT Q). States that in 1990 the voters of Oregon rejected a similar parental notification law. Explains the classes that address the abortion issue in Oregon schools.</p>
099	Judy Newport	<p>Citizen, State of Oregon</p> <p>Testifies and submits written testimony in support of HB 2633. Discusses how her and her husband became involved in studentís abortion issues. Discusses the spiritual effects of abortion. Relates the story of world known pianist that could have been aborted. Parents need the credit of being able to support their daughter in the decision of abortion. Lists the groups that help educate young people about sexual involvement.</p>
191	Velma Hartwig	<p>Citizen, State of Oregon</p>

		Testifies and submits written testimony in support of HB 2633 (EXHIBIT R). Explains the support teenagers receive is usually in favor of abortions and to not tell parents. Discusses what school classes teach regarding sexual education and abortion.
257	Merry Demarest	Citizen, State of Oregon Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT S). Discusses the ongoing parental notification issues in this nation. Discusses the need for contraception or sex education provided teenagers to reduce the need for abortion.
306	Paula Dulak	Young Womenís Christian Association (YWCA) Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT T). Gives examples of situations where parental notification would result in a young woman not telling her parents of the pregnancy until it is too late for the abortion. We have to give people choices concerning abortions.
391	Nancy Jackson	Religious Coalition for Reproductive Choice Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT U). Lists the religious groups that are a part of the Religious Coalition for Reproductive Choice. Discusses her experiences as a social worker regarding the lack of information given young girls on abortion issues. This is not an abortion issue, but a health issue. HB 2633 could result in many social problems of unwanted children.
Tape 112, B		
030	Rep. Wells	What do you feel is the motive behind HB 2633 from your viewpoint?
045	Jackson	I donit believe there is one motive. Explains the motive of religious faiths that encourage anti-abortion.
064	Dulak	States that HB 2633 will encourage people to talk about abortions. States that the solution of abortion is for young girls of reproducing age.
075	Jackson	States that the lives of women are different now in sexual maturity than in 1958. Explains what the situation was like for unmarried pregnant teenagers in 1958. The issue is to teach young people to be responsible in sexual activity.
104	Demarest	Discusses the strategies of banning abortion by anti-abortion supporters.
124	Rep.Uherbelau	Comments about the percent of young woman getting pregnant 30 years ago and what the situation was like.
136	Dulak	States that 30 years ago there was a lot of pain associated with unmarried

		teenagers.
138	Rep. Lowe	Asks about the history of how voters have reacted to abortion issues.
153	Demarest	Explains the history of Ballot Measures that recognized the abortion issue.
167	Rep. Lowe	Is there a similarity between HB 2633 and a Ballot Measure in 1990?
170	Demarest	I do not know.
179	Bob Castagna	Oregon Catholic Conference Testifies in support of HB 2633. Discusses the rights of parents to have the knowledge of their minor children's abortions. Relates a Supreme Court decision regarding abortion issues and the relationship of that decision to the family.
218	Linda Doyle	Teen Prevention Center, Multnomah County Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT V). Discusses why young pregnant teens do not turn to their parents regarding the decision of abortion and how in some cases it may be dangerous for them. States that she encourages the committee to look at educating the youth before they become pregnant.
267	Paula Krane	League of Women Voters of Oregon (LWV) Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT W). Expresses opposition of the LWV to HB 2633.
312	Kate Eastwood	Oregon Chapter of Medical Students' Choice Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT X). Discusses why pregnant teenagers do not go to their parents and how not notifying parents could save teenagers lives. States that if a teenager is capable of consenting to a surgical operation then she is capable of making an abortion decision.
381	Gillian Casson	National Council of Jewish Women (NCJW), Portland Section Testifies and submit written testimony in opposition of HB 2633 (EXHIBIT Y). Explains the goals of NCJW regarding teenage issues. Discusses why NCJW opposes HB 2633 concerning the endangerment of young women and abortion issues.
428	Maura Roche	Pro-Choice coalition of Oregon Testifies and submits written testimony in opposition of HB 2633 (EXHIBITS Z). Discusses people's varied reaction to abortions. Explains current federal

		law regarding minors right to obtain abortions with parental consent unless otherwise specified by state law. Lists the medical associations opposed to parental notification.
Tape 113, A		
049	Lynn Partin	Women's Right Coalition Testifies and submit written testimony in opposition of HB 2633 (EXHIBIT AA). Discusses the statistics and the consequences of teenagers consulting their parents regarding abortions issues. States that HB 2633 does not encourage healthy family communications or prevents teen pregnancies.
099	Tina Empol	National Organization of Women (NOW), Corvallis Testifies and submit written testimony in opposition of HB 2633 (EXHIBIT BB). Explains the effects of teenagers who choose to keep their babies. Encourages the committee to look at how voters have voted in the past on abortion.
148	Ruth Russell	Oregon Catholics for Free Choice Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT CC). Explains why Catholics need to follow their conscience regarding abortion decisions. The Medical Association concluded, "parental notification laws increase the gestational age at which induced pregnancy termination occurs, thereby also increasing the risk associated with the procedure". Discusses the medical services that do not require parental permission for minor children.
218	Jill Brunelle	Student, Oregon State University Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT DD). Discusses her experience of rape and abortion and how mandatory parental notification would not have changed her decision on abortion.
295	Adrienne Hamilton	Student, Oregon State University Testifies and submits written testimony in opposition of HB 2633 (EXHIBIT EE). Discusses why she could not tell her parents that she was pregnant and why the experience of abortion was a positive decision. Expresses why HB 2633 would have made her seek an abortion at a later date.
361	Jaime Roghbard	Student, Southern Oregon University Testifies and submit written testimony in opposition of HB 2633 (EXHIBIT FF). Relates a story of a young woman who confided with her about her pregnancy and the effect of that pregnancy in her life. States that parental notification would have complicated the pregnancy situation. States that she is proud of her decision to abort her pregnancy. Explains why she could not tell her mother about her abortion.

Tape 114, A

031	Rep. Uherbelau	Expresses her thanks for all the testimonies today.
040	Chair Shetterly	Expresses his thanks for all the testimonies.
058	Rep. Walker	Expresses her appreciation for the frankness in all the testimonies.
062	Chair Shetterly	Adjourns meeting at 5:30 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,
Administrative Support Counsel

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EXHIBIT SUMMARY

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MM - HB 2633, Written testimony, Dr. Wayne Sells, p. 2

NN - HB 2633, Written testimony, Dr. Wayne Sells, p. 1

OO - HB 2633, Written testimony, Pamela Ruona, p. 2

PP - HB 2633, Written testimony, Jeannette Hamby, p. 1

QQ - HB 2633, Written testimony, Larry Halpern, p. 1

RR - HB 2633, Written testimony, Karen Bell, p. 3