

2016 LEGISLATIVE AGENDA NYS Catholic Conference



ENSURE INFORMED CONSENT (THE WOMAN'S RIGHT TO KNOW ACT)

Summary

This legislation would require physicians to provide women considering abortion with information concerning the risks of abortion, alternatives to the procedure, and non-judgmental, scientifically accurate information about the gestational age and development of their unborn child. It would then give women sufficient time to reflect on the decision, to weigh their options and to give voluntary, knowledgeable and informed consent to the procedure.

Conference Position

The Catholic Conference supports enactment of this legislation.

Rationale

This legislation is solidly pro-women. Its goal is to provide women with all the information they need to make a truly informed choice, and to protect them from risks and dangers of which they may have previously been unaware.

Statutes requiring informed consent outside of the abortion context are commonplace. In New York State, for example, laws are currently on the books requiring informed consent for the various methods of treating breast cancer (Public Health Law Section 2404) and hysterectomy procedures (Public Health Law Section 2495).

In *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992), the U.S. Supreme Court upheld Pennsylvania's informed consent law for abortion; New York's legislation is based on this constitutional model. Thirty-five states now require specific informed consent counseling prior to abortion, and most include a specific waiting period between the counseling and the abortion. The Catholic Conference also supports laws, now enacted in 24 states, which give pregnant women the opportunity to view an ultrasound image of their unborn child

A 1991 case in Schenectady, N.Y., reveals the need for informed consent legislation. A doctor claimed to have performed an abortion on a woman at a Planned Parenthood clinic after the patient indicated she was about two months pregnant. Five days later the woman gave birth to a boy estimated to be 27 weeks old. The physician indicated that such gross misdiagnosis can occur because many abortion clinics have a "same-day" policy, i.e. a one-day walk-in patient who is not given the benefit of counseling, not reviewed for medical history, and not offered informed consent.