

Article - Health - General

§20–103.

(a) In this section, “qualified provider” means a physician, nurse practitioner, nurse–midwife, licensed certified midwife, physician assistant, or any other individual:

(1) Who is licensed, certified, or otherwise authorized by law to practice in the State; and

(2) For whom the performance of an abortion is within the scope of the individual’s license or certification.

(b) Except as provided in subsections (c) and (d) of this section, a qualified provider may not perform an abortion on an unmarried minor unless the qualified provider first gives notice to a parent or guardian of the minor.

(c) The qualified provider may perform the abortion without notice to a parent or guardian if:

(1) The minor does not live with a parent or guardian; and

(2) A reasonable effort to give notice to a parent or guardian is unsuccessful.

(d) (1) The qualified provider may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the qualified provider:

(i) Notice to the parent or guardian may lead to physical or emotional abuse of the minor;

(ii) The minor is mature and capable of giving informed consent to an abortion; or

(iii) Notification would not be in the best interest of the minor.

(2) The qualified provider is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.

(e) The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a

copy of the notice letter that was sent in that article of mail shall be conclusive evidence of notice or a reasonable effort to give notice, as the case may be.

(f) A qualified provider may not provide notice to a parent or guardian if the minor decides not to have the abortion.