

HB378 INTRODUCED



1 HB378
2 945YMPB-1
3 By Representatives *Gidley, Lamb, Harrison, DuBose, Shaver,*
4 *Givens, Mooney, Rigsby, Hulsey*
5 RFD: Judiciary
6 First Read: 21-Mar-24



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, a physician may not perform an abortion upon an unemancipated minor unless the physician first obtains written consent from the minor's parent or guardian. Existing law does not require the consent of a minor's parent if the minor successfully receives a waiver of the consent requirement from the court or there is a medical emergency requiring an immediate abortion.

This bill would provide that it is a Class A misdemeanor for any person, with the intent to conceal an abortion from a minor's parents or guardian, to harbor or transport a minor girl and obtain, or aid and abet her in obtaining, an abortion or abortion-inducing drug.

This bill would not apply in the case of a medical emergency or a judicial waiver of the consent requirement, and would not authorize criminal penalties or civil liability against a minor girl.

This bill would create an affirmative defense if the minor girl's parent or guardian consents to the harboring or transporting.

This bill would provide the parent or guardian of a minor girl with the right to bring a cause of action against any person who harbors or transports a



HB378 INTRODUCED

29 minor girl to obtain, or aid and abet in obtaining, an
30 abortion or abortion-inducing drug for that minor girl.

31 Section 111.05 of the Constitution of Alabama of
32 2022, prohibits a general law whose purpose or effect
33 would be to require a new or increased expenditure of
34 local funds from becoming effective with regard to a
35 local governmental entity without enactment by a 2/3
36 vote unless: it comes within one of a number of
37 specified exceptions; it is approved by the affected
38 entity; or the Legislature appropriates funds, or
39 provides a local source of revenue, to the entity for
40 the purpose.

41 The purpose or effect of this bill would be to
42 require a new or increased expenditure of local funds
43 within the meaning of the section. However, the bill
44 does not require approval of a local governmental
45 entity or enactment by a 2/3 vote to become effective
46 because it comes within one of the specified exceptions
47 contained in the section.

48
49
50

51 A BILL
52 TO BE ENTITLED
53 AN ACT

54
55 Relating to abortion; to create the Safeguarding Teens
56 from Out-of-State Abortion Procedures (STOP) Act; to provide



HB378 INTRODUCED

57 Legislative findings; to prohibit the harboring or
58 transporting of a minor girl, without the knowledge of her
59 parents or guardian, in order to obtain or aid or abet her in
60 obtaining an abortion or abortion-inducing drug; to provide
61 exceptions; to provide criminal penalties and affirmative
62 defenses; to authorize certain civil remedies for a violation;
63 and in connection therewith would have as its purpose or
64 effect the requirement of a new or increased expenditure of
65 local funds within the meaning of Section 111.05 of the
66 Constitution of Alabama of 2022.

67 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

68 Section 1. This act shall be known and may be cited as
69 the Safeguarding Teens from Out-of-State Abortion Procedures
70 (STOP) Act.

71 Section 2. The Legislature finds and declares that:

72 (1) The medical, emotional, and psychological
73 consequences of abortion are often serious and can be lasting,
74 particularly when the patient is young or immature.

75 (2) Parents and guardians usually possess information
76 essential to a health care provider's exercise of his or her
77 best medical judgment concerning a minor girl.

78 (3) Parents or guardians should be consulted and
79 provided with all relevant information related to any medical
80 procedure their child may undergo, including an abortion.

81 (4) Parents and guardians have the fundamental right to
82 make health care decisions in their child's best interest and
83 should be fully supported and informed as they make those
84 decisions.



HB378 INTRODUCED

85 (5) Chapter 21 of Title 26, Code of Alabama 1975,
86 requires parental consent before a minor girl undergoes an
87 abortion or receives abortion-inducing drugs, except as
88 provided by Sections 26-21-4 and 26-21-5, Code of Alabama
89 1975.

90 (6) Any adult who disregards or circumvents the consent
91 requirement of this state commits a crime and should be held
92 civilly liable to the minor girl's parents or guardian.

93 Section 3. For the purposes of this act, the following
94 terms have the following meanings:

95 (1) ABORTION. The same meaning as Section 26-23H-3,
96 Code of Alabama 1975.

97 (2) ABORTION-INDUCING DRUG. Any medicine, drug, or
98 other substance prescribed or dispensed with the intent of
99 terminating the clinically diagnosable pregnancy of a woman
100 for the purpose of ensuring the death of an unborn child. This
101 term includes the off-label use of drugs known to have
102 abortion-inducing properties, if they are prescribed with the
103 intent to cause an abortion. This term does not include any
104 drug that may be known to cause an abortion, if the drug is
105 prescribed for other medical reasons.

106 (3) ASSISTANCE. Providing lodging, shelter,
107 transportation, or money to a minor girl that could help her
108 procure an abortion or abortion-inducing drug without the
109 knowledge, consent, or involvement of her parents or legal
110 guardian.

111 (4) HARBORING. Providing assistance to a minor girl in
112 order to procure an abortion or obtain abortion-inducing drugs



HB378 INTRODUCED

113 without the knowledge, consent, or involvement of her parents
114 or legal guardian.

115 (5) MINOR GIRL. An unemancipated female under 18 years
116 of age.

117 (6) TRANSPORTION. To move within, into, out of, or
118 through the state for the purposes of procuring an abortion or
119 obtaining abortion-inducing drugs.

120 Section 4. (a) (1) Except as otherwise provided in
121 subsection (b), no person, with the intent to conceal an
122 abortion from the parents or guardian of the minor girl, may
123 harbor or transport a minor girl within this state and: (i)
124 procure an abortion for the minor girl; (ii) obtain an
125 abortion-inducing drug for the minor girl; or (iii) aid or
126 abet the minor girl in procuring an abortion or obtaining an
127 abortion drug.

128 (2) A person who violates this section shall be guilty
129 of a Class A misdemeanor.

130 (b) This section shall not apply:

131 (1) In the case of a medical emergency, pursuant to
132 Section 26-21-5, Code of Alabama 1975; or

133 (2) If a court has waived the consent requirement for
134 the minor girl pursuant to Section 26-21-4, Code of Alabama
135 1975.

136 (c) For the purposes of this section, the terms
137 "procure" and "obtain" do not include providing information to
138 a minor girl relating to a health benefit plan or any other
139 constitutionally protected speech or expression.

140 (d) Nothing in this act may be construed to subject a



HB378 INTRODUCED

141 minor girl to any criminal conviction or penalty.

142 Section 5. It is an affirmative defense to prosecution
143 under this act that a parent or guardian of the minor girl
144 consented to the harboring or transporting of a minor girl.

145 (b) It is not an affirmative defense to prosecution
146 under this act that the person or entity performing the
147 abortion or providing the abortion-inducing drug is located in
148 another state.

149 Section 6. (a) The parent or guardian of a minor girl
150 may bring a civil cause of action for actual and punitive
151 damages, injunctive relief, and reasonable attorney fees, in
152 addition to any and all remedies available under the law,
153 against any person who procures an abortion or obtains an
154 abortion-inducing drug for that minor girl or aids and abets
155 her to do so.

156 (b) Nothing in this act may be construed to subject the
157 minor girl to any civil liability or penalty.

158 Section 7. Nothing in this act shall be construed as
159 creating or recognizing a right to an abortion or making
160 lawful an abortion that is unlawful.

161 Section 8. The provisions of this act are severable. If
162 any part of this act is declared invalid or unconstitutional,
163 that declaration shall not affect the part which remains.

164 Section 9. Although this bill would have as its purpose
165 or effect the requirement of a new or increased expenditure of
166 local funds, the bill is excluded from further requirements
167 and application under Section 111.05 of the Constitution of
168 Alabama of 2022, because the bill defines a new crime or



HB378 INTRODUCED

169 amends the definition of an existing crime.

170 Section 10. This act shall become effective on October

171 1, 2024.