

Requiring a parent's consent before an abortion is performed on a minor girl.

(aka "Parental Consent for Abortion Act")



SUPPPORT: SB 1774 by Sen. Stargel (R) & HB 1335 by Rep. Grall (R)

BACKGROUND: In 1989, the Supreme Court of Florida struck down the parental consent for abortion law in Florida when it "suddenly discovered" that the privacy clause in the state constitution conferred a fundamental right to abortion to women, including minors. Since that ruling, every restriction on abortion that passes in the Florida Legislature is subject to judicial evaluation under this super powered abortion right – a even higher standard that under the US Constitution with Roe vs Wade. The Florida Supreme Court was wrong when it created this abortion right in the case of *In Re TW, A Minor*. Florida's constitutional privacy right adopted in 1980 was specifically intended for informational privacy and not a right to abortion.

BILL PROVISIONS: Creates the requirement that a pregnant minor obtain one parents consent in writing before a doctor can perform an abortion on a pregnant minor. Provides for a judicial bypass of the consent requirement if a Court finds the minor is mature enough to make the decision, or if the minor is abuse, neglect, or endangered by her parent(s).

WHY WE SUPPORT THIS BILL:

- This bill would protect minors from being subject to an abortion procedure without parental advice and input. It also respects and protects the rights of parents to parent their children free from government interference. It institutes criminal penalties for doctors who do not obtain prior consent, outside of a medical emergency exception.
- This bill presents an opportunity for the Florida Supreme Court to see if the high state court was wrong back in 1989 when it struck down the parental consent law based on a right to privacy.
- **Twenty-one states require parental consent for abortion.** Florida currently only requires that a parent be notified of a minor's abortion. See <https://www.guttmacher.org/state-policy/explore/parental-involvement-minors-abortions>
- Opponents of this bill claim that it is unnecessary because a minor can consent to other medical procedures without parental consent and because the state supreme court has interpreted the privacy clause to apply to a minor's right to an abortion. The fact that the Legislature omitted abortion as one of the procedures to which a minor could consent to without parental involvement speaks to the fact that an abortion is vastly different than any other medical procedure because it necessarily involves another life – that of the unborn child. Additionally, a parent's right to raise their child is historically protected in caselaw and should not be subservient to a minor's supposed right to have an abortion.
- Under current law, a minor can't get her ears pierced, get an aspirin at school, or go on a field trip without a parent's consent. But yet Florida law allows a minor girl to undergo this significant and irreversible surgical procedure that is fraught with medical complications, emotional trauma, and spiritual consequences, all without parents ever being involved with making the decision. This is wrong and needs to be changed.
- Recent Polling shows that 73% of Floridians's favor parent consent laws for abortion.

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