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May 17, 2005 Tuesday

SECTION: METRO/STATE; Pg. B1

LENGTH: 422 words

HEADLINE: Abortion proposals get strong backing;
House approves parental consent rule, but both sides say effects are likely to be limited

BYLINE: Michelle M. Martinez, AMERICAN-STATESMAN STAFF

BODY:

The state House on Monday passed a measure that would require underage girls to have a parent's permission before getting an abortion. But advocates on both sides of the issue say its effects are unlikely to be far-reaching because minors must already notify their parents before having abortions.

"For most teens, whether you have to notify a parent or get actual consent, it's the same," said Sarah Wheat, a spokeswoman for NARAL Pro-Choice Texas. "For teens who talk to their parents, this doesn't have any effect. I don't think we'll see a big difference in the number of abortions."

Wheat's group had been concerned about a similar, though more restrictive, proposal by Rep. Phil King, R-Weatherford, that died last week in the House on a technical error. That measure would have required courts to report how many minors receive waivers to the parental consent law and made it more difficult for girls to receive such waivers.

Currently, doctors can perform abortions in the third trimester if "the abortion is necessary to prevent the death or a substantial risk of serious impairment to the physical or mental health of the woman" or if "the fetus has a severe and irreversible abnormality, identified by reliable diagnostic procedures."

Under Hartnett's proposal, a woman's mental health and a fetus' abnormalities -- other than severe, irreversible brain damage -- would no longer be factors in deciding whether to perform a third-trimester abortion.

"Mental health of the mother, to me, absolutely should not be a factor in deciding to kill a viable human being," Hartnett said after the vote. "With modern science, a child with significant physical abnormalities can still function and contribute and have a decent life. My feeling has always been if you have your mind, the rest of it is secondary. There's a lot of people who have severe physical impairments who have a fine life."

There were 79,166 abortions in Texas in 2003, according to state data provided by Hartnett's office. Of those, 48 were after the 26th week.

During the debate, Rep. Patrick Rose, D-Dripping Springs, argued unsuccessfully against Hartnett's proposal.

"If a woman is in the third trimester, she and her husband and her doctor have to make the very difficult decisions," said Rose, who ultimately voted for the amendment. "I would like to err on the side of giving medical professionals the choice."

Hartnett's amendment passed 118-16. Central Texans voting against it were Dukes, Naishtat and Rodriguez.

THE DALLAS MORNING NEWS

May 17, 2005 Tuesday
SECOND EDITION

SECTION: NEWS; Pg. 4A

LENGTH: 384 words

HEADLINE: House OKs parental consent rule for abortion Lawmakers also back punishment for doctors in some late-term cases

BYLINE: KAREN BROOKS, Austin Bureau

DATELINE: AUSTIN

BODY:

AUSTIN - The House voted on Monday to require that minors get their parents' consent for an abortion and to further restrict late-term abortions, slipping two endangered social conservative measures into a routine agency reauthorization bill.

Rep. Will Hartnett, R-Dallas, added the amendments to a sunset bill extending the Texas Board of Medical Examiners, the panel charged with punishing bad doctors.

With the amendments, the Senate-originated sunset bill will probably go to a joint conference committee, where a handful of members from each chamber would decide one of the more divisive social issues of the session.

One amendment, passed 117-19, would change state law that now requires parental notification for minors who seek abortions. An attempt last week to pass a similar House bill failed when opponents raised a technicality.

Gov. Rick Perry has said he would sign consent legislation.

The House also voted, 118-16, to allow the board to strip a physician's license if he or she performs a third-trimester abortion on any woman unless a doctor has found that the procedure is necessary to save the woman's life or that carrying the child to term would cause severe paralysis or mental damage to the mother.

Third-trimester abortions, many of which are already illegal in Texas, could also be performed if the fetus has been determined to have a severe, irreversible brain defect that would make it unable to live outside the womb.

There was a three-hour debate over the restrictions and whether a woman should be able to bypass federal bans on some late-term abortions with a psychiatrist's opinion that giving birth would harm her mental health.

Under the new legislation, a physician would have to diagnose the mother as having an imminent risk of severe mental damage, a much heavier burden of proof. Mr. Hartnett warned that the mental-health provision had been written incorrectly and would have to be reconsidered today - possibly reopening the entire debate.

"Certainly if the mother's life is at risk, that should be a priority," Mr. Hartnett said. "But if the mother's peace of mind is at risk, that is an inferior priority."

The provisions were added to a portion of the code that lets the Board of Medical Examiners take disciplinary action against physicians.

Fort Worth Star Telegram (Texas)

May 17, 2005, Tuesday FINAL EDITION

SECTION: METRO; Pg. 1B

LENGTH: 633 words

HEADLINE: House attaches abortion limits to proposal

BYLINE: R.A. DYER; Star-Telegram Austin Bureau

HIGHLIGHT:

* Minors would need consent from their parents before getting an abortion under an amendment to a bill concerning licensing requirements for physicians.

BODY:

AUSTIN--Women with mental illness or those facing disabling medical complications could not obtain late-term abortions under a legislative amendment adopted Monday by the Texas House.

The amendment further restricts late-term abortions when the fetus has serious defects in any vital organ other than the brain.

In such cases, the mother would have to give birth -- even if it sometimes meant the child would go on a life support machine, said the bill's sponsor.

A second amendment requires doctors to get permission from parents before performing an abortion on a minor. Under the amendment, a girl can still get an abortion without consent of her parents if a judge gives her permission.

"It's important for our [abortion laws] to be drawn tighter, rather than broader, to protect the children and to give these children an opportunity to be born," said Rep. Will Hartnett, R-Dallas, sponsor of the amendments.

But Rep. Helen Giddings, D-Dallas, said she marveled at thechutzpah of her male colleagues who championed the changes but would never face a pregnancy themselves.

"There are a bunch of men up there, age 40 and over, who are trying to make these decisions that relate to women. I think that's a very dangerous thing," she said.

The 150-member House voted to attach both anti-abortion provisions onto legislation that relates to licensing requirements for physicians. Each amendment passed easily, although opponents mounted about a half-dozen technical objections in an unsuccessful attempt to block a floor vote on them.

The first amendment, which further restricts third-trimester abortions, passed 118-16. Under it, women could obtain a third-trimester abortion only when the birth would result in their death or if the fetus has "severe, irreversible brain impairment."

That means that women could no longer obtain late-term abortions in those cases when they would suffer a serious injury or permanent disability. Neither could women obtain late-term abortions when the child would be born with serious medical problems -- including damaged or missing organs other than the brain, Hartnett said.

The amendment also prohibits late-term abortions in some cases in which the newborn would immediately go on a life-support machine, Hartnett said.

"If the child can survive with medical assistance that is not absolutely extreme, then I think they are protected from being aborted," he said.

Hartnett said he did not know how many late-term abortions his

amendment would prevent, although he said they are rare. He said federal courts allow for heavy state regulation of late-term abortions.

House members adopted Hartnett's parental-consent amendment by a vote of 117-19. Under current law, parents and guardians must be informed before their minor children get abortions but do not have to give consent.

The Tarrant County delegation voted along party lines on both amendments.

The amendment mirrors legislation already adopted in the Senate.

Voting against the amendments were Democrats Marc Veasey and Lon Burnam, both of Fort Worth. Voting for them were Republicans Charlie Geren, Fort Worth; Toby Goodman, Arlington; Bob Griggs, North Richland Hills; Kent Grusendorf, Arlington; Anna Mowery, Fort Worth; Todd Smith, Euless; Vicki Truitt, Keller; and Bill Zedler, Arlington.

The legislation requires one more vote in the House today, and then a conference committee would have to reconcile differences in the House and Senate versions of the bill.

GAY MARRIAGE

An attempt to put a ban on gay marriage in the state constitution has been put on hold by Houston Democrat Rodney Ellis.
6B

The Houston Chronicle

May 17, 2005, Tuesday 3 STAR EDITION

SECTION: A; Pg. 1

LENGTH: 885 words

HEADLINE: THE LEGISLATURE;

House revives plan mandating parental consent for abortions;

Final vote is expected today; another add-on would tighten rules on late procedures

SOURCE: Staff

BYLINE: JANET ELLIOTT, POLLY ROSS HUGHES, Houston Chronicle Austin Bureau

DATELINE: AUSTIN

BODY:

AUSTIN - The House Monday resurrected a controversial requirement that doctors get written consent from a minor's parents before performing an abortion, attaching the provision to another bill.

The parental consent amendment was a version of a bill by Rep. Phil King, R-Weatherford, that was killed Thursday by parliamentary maneuvers on the last day for the House to vote on House bills.

This time, Rep. Will Hartnett, R-Dallas, attached the consent mandate to a bill reauthorizing the Texas State Board of Medical Examiners. Senate Bill 419 received preliminary approval by the House, with a final vote expected today.

His amendment would make it a license violation for a doctor to perform an abortion without getting the signed consent form.

The amendment, passed on a vote of 117-19, would require a doctor to get the written consent of a parent or guardian before performing an abortion on a girl younger than 18. A judge could bypass the requirement by finding that involving a parent could put the minor at risk of physical or emotional abuse, or that she is sufficiently mature to make the decision.

Another amendment

Representatives also attached an amendment to the medical examiner's sunset bill that would tighten restrictions on late-term abortions. The wrangling over the two abortion issues lasted nearly four hours.

It's not uncommon for lawmakers to try to revive dead bills by amending them to other legislation. And although a similar parental consent bill is eligible for debate this week in the Senate, the action Monday by the House increases the chances that the consent requirement will be passed by the end of the session May 30.

Toughening the current law requiring that a doctor must notify a minor's parents is one of the top issues on the social conservative agenda this session.

King said anecdotal evidence shows that abortion clinics and minors had learned to get around the notification requirement. He cited taped telephone calls from a woman who pretended to be a 13-year-old whose boyfriend in his 20s had gotten her pregnant.

"In every single case except one, that abortion clinic on the phone coached her in how to get around the notice provision," said King. "They said things like, 'You know, we don't really check to see if this is your parents' address where we send the letter.' And not one of them said we have to report this to police if there has been an adult who has sexually assaulted you."

Who can give consent

Opponents said the requirements that only a parent, guardian or managing conservator can give consent doesn't take into account teenagers who may be homeless or living with other relatives.

"I want you to think seriously about these children, too," said Rep. Alma Allen, D-Houston. "They are living with their grandparents. They are living with aunts and uncles and cousins. They are homeless. They do have parents incarcerated. They have parents in the military."

Others may be living with abusive parents.

King noted that children in those situations could seek a judicial bypass as they now can under the notification law. He agreed to drop his earlier call for a tougher legal test.

Late-term abortions

The second abortion measure would make it a violation for doctors to perform a third-trimester abortion when a fetus is viable outside the womb - even if a mother's mental health might be endangered by the pregnancy. Existing law allows late abortions in cases where a mother's mental health is in jeopardy, Hartnett said.

"I cannot think of any scenario where you should kill a viable third-trimester fetus because of the mental health of the mother," he said. "If the mother's life is at risk, that should be a superior priority, but if the mother's peace of mind is at risk, that should be an inferior priority."

Lawmakers decided it would not be a violation for doctors to perform third-trimester abortions if a mother's life was in danger, as current law states, or if an unborn child had "severe and irreversible" brain damage.

House members debated, often in personal terms, the conditions under which late-term abortions should be allowed.

"I'm a little concerned about your argument that my wife might have to go through severe and irreversible brain damage or paralysis. I'm going to support my wife in this," said Rep. Burt Solomons, R-Carrollton, the House sponsor of the medical examiners bill.

"I really think this is a smokescreen. It's a dodge," Hartnett said.

He eventually agreed to an amendment by Rep. Richard Raymond, D-Laredo, that would allow exceptions when a woman is "diagnosed with a significant likelihood of suffering imminent, severe, irreversible brain damage or paralysis."

Members refused to adopt amendments that would allow late abortions if a fetus has severe physical abnormalities not related to the brain.

"The bottom line is we're talking about murdering a perfectly viable functioning person. I don't think the risk of damage to a vital organ justifies reaching that level," Hartnett said.

The Houston Chronicle

May 27, 2005, Friday 3 STAR EDITION

SECTION: A; Pg. 01

LENGTH: 749 words

HEADLINE: THE LEGISLATURE;
Abortion consent bill goes to Perry;
Senate-backed measure requires parent's OK for those under 18

SOURCE: Staff

BYLINE: JEFFREY GILBERT, Houston Chronicle Austin Bureau

DATELINE: AUSTIN

BODY:

AUSTIN - The Senate late Thursday approved and sent to the governor a bill requiring a minor to get written parental consent before she could get an abortion.

Gov. Rick Perry is expected to sign the bill.

Senators voted 23-7 to accept the parental consent language and other amendments that the House had attached to a bill reauthorizing the Texas State Board of Medical Examiners.

"As a mother, I feel very strongly that on any medical procedure performed on one of my minor children, I should be involved and give my consent," said Sen. Jane Nelson, R-Flower Mound, author of Senate Bill 419.

"If, heaven forbid, something like a medical complication arose, the parent has to know," she said.

Earlier this week, the Senate had voted to send the bill to conference committee, but Nelson said Thursday that was no longer needed.

Under the bill, it would be a license violation for a doctor to perform an abortion on a girl younger than 18 without getting the signed consent form.

A judge could bypass the consent requirement by determining that involving a parent could put the minor at risk of physical or emotional abuse, or that she is sufficiently mature to make the decision.

Current law mandates that girls must notify their parents before getting an abortion, but doesn't require written consent.

Tougher bill was killed

Only six states do not have a law requiring either parental consent or notification. Florida Gov. Jeb Bush signed a notification bill on Wednesday.

Changing the law to require a parent's consent is a top priority this session for social conservatives, and the movement has been picking up steam in recent weeks.

The Senate last week passed a separate parental consent bill with similar language, but the House never debated it, assuming this measure would be approved.

Another bill, by Rep. Phil King, R-Weatherford, would have made it much tougher for a minor to be awarded the judicial bypass. That measure was killed by parliamentary maneuvers earlier this month.

King said Thursday that although it's not everything he wanted, the bill that will be sent to the governor is a great step.

"It's a great day for parents who are back in the loop on their child's health care decisions," King said. "It may not be a home run, but it's a triple."

Under the adopted bill, doctors also would be prohibited from performing abortions on any woman who has carried a child for more than 26 weeks unless having the baby would jeopardize the woman's life or the baby has serious brain damage.

"How common are third-term abortions?" asked Sen. Gonzalo Barrientos, D-Austin. "Generally, do women wait around until the third trimester and then decide to have an abortion?"

Sen. Bob Deuell, R-Greenville, a doctor, said those statistics are not made available, but said he has seen a 15-year-old get an abortion at 33 weeks into her pregnancy.

Getting to issue's core

Sarah Wheat, spokeswoman for NARAL Pro-Choice Texas, said the parental consent measure that was adopted is a better bill than King's original, but said "we are still opposed to this because it does nothing to prevent teenagers from getting pregnant in the first place."

"The reality is it's not going to affect most teenagers today," Wheat said. "This is going to affect those girls who come from abusive or dysfunctional families who don't have a parent who they can turn to."

But Joe Pojman, executive director of Texas Alliance for Life, disagrees, saying the Senate's vote will help decrease the number of teenage pregnancies and abortions.

"Parental consent goes a long way in restoring the rights of parents that were taken away by the Supreme Court in its Roe v. Wade decision," Pojman said. "It's just plain good public policy."

San Antonio Express-News

May 17, 2005 Tuesday
STATE&METRO Edition

SECTION: A SECTION; Pg. 10A

LENGTH: 413 words

HEADLINE: House gives approval to controversial abortion bill

BYLINE: Lomi Kriel, EXPRESS-NEWS AUSTIN BUREAU

BODY:

AUSTIN -- House members on Monday overwhelmingly approved a measure limiting when a woman can have an abortion in her third trimester and requiring pregnant minors to obtain their parent's written permission.

"This is the only major abortion debate I can remember in my 14 years on the floor," said Rep. Will Hartnett, R-Dallas, who filed the two amendments that were tacked onto a larger bill reauthorizing the state Board of Medical Examiners.

The debate, which spanned five hours, saw many parliamentary attempts to block or kill the bill and involved few women. At one point, about a dozen male lawmakers crowded around the dais, discussing one parliamentary move.

"Do you know how many gentlemen up there have given birth?" asked Rep. Ruth Jones McClendon, D-San Antonio.

The debate also ignited heated discussions between anti-abortion Republicans about what would justify a third-trimester abortion.

The procedure is illegal under current law unless a woman could die or suffer severe physical damage. A woman also can obtain an exemption from a psychologist, stating her pregnancy would impair her mental health.

That is too broad, Hartnett said, adding, "You could drive a truck through that if you want."

His provision would allow third-trimester abortions only if a woman's life is in danger or if the fetus had "severe, irreversible brain impairment."

He accepted an amendment allowing an abortion if there was a "significant likelihood" a woman would suffer severe brain damage or paralysis after many House members rallied around it.

A related amendment by Rep. Dan Branch, R-Dallas, failed. It would have allowed an abortion if there was severe impairment to a fetus' vital organs.

Hartnett's provision also would strengthen the state's current parental notification laws for minors seeking an abortion. Instead, physicians would have to see a parent's written consent before performing the procedure or risk losing their license.

Minors still would be able to go through any county court to sidestep her parents, as under current law. In that procedure, a judge decides if a minor is mature enough to make the decision or whether informing her parents would lead to significant emotional or physical abuse.

Critics of the current system say judges too easily approve requests for a judicial bypass or decline to rule, approving it automatically.

Others say the change would add too many hurdles to minors who are abused or don't live with their parents.