

Senate Bill 1026

Sponsored by Senator NASH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires a parent to consent for an out-of-state minor to have an abortion in this state. Creates an exception for the life or health of the minor or rape or incest. (Flesch Readability Score: 75.1).

Prohibits the provision of abortion services to a nonresident, unmarried person under 18 years of age without parental consent. Creates exceptions.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to abortion services provided to out-of-state minors; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Abortion” means the use or prescription of any instrument, medicine, drug or any**
6 **other substance or device to terminate the pregnancy of a person known to be pregnant, if**
7 **the intention is other than to increase the probability of a live birth, to preserve the life or**
8 **health of the child after live birth or to remove a dead unborn child who died as the result**
9 **of natural causes in utero, accidental trauma or a criminal assault on the pregnant person**
10 **or the unborn child, and that use or prescription causes the premature termination of the**
11 **pregnancy.**

12 (b) **“Rape or incest” means any of the following, regardless of whether the person ac-**
13 **cused of committing the act has been charged with or convicted of committing the act:**

14 (A) **Incest under ORS 163.525.**

15 (B) **Rape in the third degree under ORS 163.355.**

16 (C) **Rape in the second degree under ORS 163.365.**

17 (D) **Rape in the first degree under ORS 163.375.**

18 (E) **Sodomy in the third degree under ORS 163.385.**

19 (F) **Sodomy in the second degree under ORS 163.395.**

20 (G) **Sodomy in the first degree under ORS 163.405.**

21 (H) **Sexual abuse in the third degree under ORS 163.415.**

22 (I) **Sexual abuse in the second degree under ORS 163.425.**

23 (J) **Sexual abuse in the first degree under ORS 163.427.**

24 (K) **Contributing to the sexual delinquency of a minor under ORS 163.435.**

25 (L) **Sexual misconduct under ORS 163.445.**

26 (2) **Notwithstanding ORS 109.640 and 435.210, a health care provider may not provide**
27 **abortion services to an unmarried person under 18 years of age who is not a resident of this**
28 **state without the consent of the minor’s parent or guardian unless:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) The pregnancy is a result of rape or incest; or

2 (b) The pregnant person's condition is a medical emergency.

3 (3) A pregnant person's condition is a medical emergency for purposes of this section if,
4 in the reasonable medical judgment of the health care provider:

5 (a) Failure to immediately terminate the pregnancy is reasonably likely to result in the
6 pregnant person's death; or

7 (b) The delay necessary to obtain the consent of the pregnant person's parent or guard-
8 ian to the abortion is reasonably likely to create a serious risk of substantial and irreversible
9 physical impairment of one or more of the pregnant person's major bodily functions, not in-
10 cluding psychological or emotional functions.

11 (4) For purposes of this section, the likelihood that a pregnant person will engage in
12 conduct that would result in the pregnant person's death does not constitute a risk of the
13 pregnant person's death or of a substantial and irreversible physical impairment of a major
14 bodily function of the pregnant person.

15 (5) A health care provider who provides abortion services to a minor as provided in sub-
16 section (2)(b) of this section must, not later than 24 hours following the provision of services,
17 notify the minor's parent or guardian that the abortion occurred.

18 SECTION 2. This 2025 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
20 on its passage.

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