

who are in that age category should be bound by the requirement. Nothin in the statute suggests a basis for the arbitrary distinction. Nothing in the statute affirmatively proclaims the dubious proposition that a married female under the age of 18 has better judgment than an unmarried one of the same class. Nothing in the statute takes into consideration whether the experience and life style of an unmarried female under the age of 18 may render her more independent, self-supporting and mature than her married counterpart and, therefore, more capable of independent judgment. If a married female under 18 cannot be compelled by the state to consult with any third party prior to obtaining an abortion, may a blanket mandate (which allows exception only in case of an "emergency situation") be imposed on unmarried females in the identical class? When the state establishes a class for the purpose of regulating conduct, the basis for that state regulation especially in this case, must be premised on the actual health and welfare of the mother, and not on an ingenuous attempt to so burden the abortion decision that an unconstitutional regulation results. Terminating minority by operation of law, upon the occurrence of marriage, may be appropriate for purposes of technical legal ends. But it is a different matter when the health and welfare of the regulated class are at stake and the state has determined that age shall serve as the basis for the classification. Difference in marital status may not be adequate justification for suspending the state's statutorily declared interest in the health and welfare of the class of females "under the age of 18". The issue of equal protection looms large. Since the mandate of consultation applies to all stages of gestation, it may be an unconstitutional attempt to regulate the abortion decision during the first trimester. Suppose the young female marries, then becomes a divorcee or a widow prior to reaching age 18, and seeks an abortion. Does she fit the statutory definition of "minor", that is to say, unmarried female under the age of 18? May a physician forego obtaining the statement of consultation without subjecting himself or herself to criminal penalty? Suppose the unmarried female under age 18 has no living parent or guardian? Suppose she hails from another state? May the physician take her word for such representations, declare an "emergency situation" and, thereby, dispense with the need for a statement of consultation? It should be kept in mind that there is no penalty whatsoever imposed on any young female who lies or falsifies the statement of consultation. The criminal