

In other words, principles of agency would make a doctor liable if he or she employed an individual to give this kind of information if the person were not qualified to do so and the individual receiving the information suffered damage as a result. This is totally needless language, it expresses a particular religious point of view about this subject and they are trying to load up the statutes with as much of this kind of language as possible. It does not bear on the issue of giving this information. But Senator Labeledz and those who are with her are, of course I probably shouldn't mention that factor out here like I did in committee, but there might be language even with the committee amendment adopted that will defeat the purpose of what they have in mind. Nevertheless, what they really said they wanted when they brought this bill in was this language. You will see it on page 3, starting on line 19 all of line 20 and the two words, "her case," in line 21. So it reads something like, "Informed consent shall mean a written statement voluntarily entered into by the person upon whom an abortion is to be performed, whereby she specifically consents to such abortion. Such consent shall be deemed to be an informed consent only if it affirmatively appears in the written statement that the person upon whom the abortion is to be performed has been advised," and it mentioned, there is the old language of, "the abortion procedures to be used and of the particular risks associated with the abortion procedures to be employed in her case." Now, if in her case, first of all, an abortion is legal. It is a recognized surgical procedure. Not every surgical procedure carries particular or unusual risks for people who submit to those procedures. Now by them using the word "particular" and then following it by "her case," it means that if her case is not out of the ordinary there is nothing that needs to be given based on this language in the way of counseling. So on the one hand while they say they are trying to require counseling, they have put language that takes away any requirement that might exist under common medical practices now. They are excusing a doctor of that. If there are no particular risks involved in her case, if her case is so routine that there are no particular risks then nothing need be said at all. That is what they claim they don't want. But, at any rate, so that you can get to that issue alone, the committee took out all of the surplusage that you will see stricken by the committee amendment at the bottom of page 3 and continuing to the top of page 4. So in the same way you defeated the earlier Labeledz portion of the amendment, I hope you will