

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parental Notification and Intervention Act of 2011".

SEC. 2. PARENTAL NOTIFICATION.

(a) It shall be unlawful for any person or organization to perform any abortion on an unemancipated minor under the age of 18, to permit the facilities of the entity to be used to perform any abortion on such a minor, or to assist in the performance of any abortion on such a minor, if the person or organization has failed to comply with the following requirements:

(1) Unless there is clear and convincing evidence of physical abuse of the minor by a parent, written notification has been provided to each parent of the minor, informing each parent that an abortion has been requested for the minor.

(2) There is compliance with a 96-hour waiting period after notice has been received by, subject to paragraph (1), each parent of the minor before the abortion may be performed.

(3) In the case of an action brought by a parent of such minor pursuant to section 3, with respect to the performance of such abortion, the person or organization shall not perform such abortion unless and until there is a final judgement pursuant to such section that granting permanent relief to enjoin the abortion would be unlawful.

(b) Whoever violates the provisions of subsection (a) of this section shall be fined not more than \$1,000,000, or imprisoned not more than 10 years, or both.

(c) The provisions of this section shall not apply if, with respect to an unemancipated minor for whom an abortion is sought, a defense or affirmative defense exists which would be applicable to other provisions of title 18, United States Code. For purposes of the previous sentence, such a defense or affirmative defense shall not apply unless a physician other than the physician with principal responsibility for making the decision to perform the abortion makes a determination that--

(1) a medical emergency exists in which an abortion on the minor is necessary due to a grave, physical disorder or disease of the minor that would, with reasonable medical certainty, cause the death of the minor if an abortion is not performed;

(2) parental notification is not possible as a result of the medical emergency; and

(3) certifications regarding compliance with paragraphs (1) and (2) of this subsection have been entered in the medical records of the minor, together with the reasons upon which the determinations are based, including a statement of relevant clinical findings.

(d) For purposes of this section, any parental notification provided to comply with the provisions of subsection (a) shall be provided through the manner described in paragraph (1), or through the manner described in paragraph (2), as follows:

(1) The notification shall be provided through certified mail in accordance with the following procedures:

(A) The notification shall be addressed to the parent of the unemancipated minor.

(B) The address used shall be the dwelling or usual place of abode of the parent.

(C) Return receipt shall be requested.

(D) Delivery shall be restricted to the parent.

(2) The notification shall be delivered personally to the parent.

(e) For purposes of this section, the term "parent" includes, but is not limited to, any legal guardian of the child.

SEC. 3. PARENTAL INTERVENTION.

Any parent of a minor required to be notified pursuant to section 2 may bring, in the district court of the United States where the parent resides or where the unemancipated minor is located, an action to bar the performance of an abortion on such minor. The court shall issue an injunction barring the performance of the abortion until the issue has been adjudicated and the judgment is final. The court shall issue relief permanently enjoining the abortion unless the court determines that granting such relief would be unlawful.

SEC. 4. EFFECTIVE DATE AND SEVERABILITY.

(a) The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) The provisions of this Act shall take effect immediately upon enactment.