

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Eighth Session
May 25, 2015**

The Senate Committee on Health and Human Services was called to order by Chair Joe P. Hardy at 2:34 p.m. on Monday, May 25, 2015, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Joe P. Hardy, Chair
Senator Mark A. Lipparelli
Senator Joyce Woodhouse
Senator Pat Spearman

COMMITTEE MEMBERS ABSENT:

Senator Ben Kieckhefer, Vice Chair (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27
Assemblywoman Irene Bustamante-Adams, Assembly District No. 42
Assemblyman Ira Hansen, Assembly District No. 32
Assemblyman Phillip "P.K." O'Neill, Assembly District No. 40

STAFF MEMBERS PRESENT:

Marsheilah Lyons, Policy Analyst
Eric Robbins, Counsel
Kevin Powers, Chief Litigation Counsel
Carol M. Stonefield, Policy Analyst
Debra Burns, Committee Secretary

OTHERS PRESENT:

Laurie Squartsoff, Administrator, Division of Health Care Financing and Policy,
Department of Health and Human Services
Jane Gruner, Administrator, Aging and Disability Services Division, Department
of Health and Human Services
Ed Guthrie, Chief Executive Officer, Opportunity Village
Brian Patchett, Easter Seals Nevada; Nevada Commission on Services for
Persons with Disabilities
Regina Daniel
Katherine Ryder
Judith Koller
Scott Ruggles
Sherry Manning, Executive Director, Nevada Governor's Council on
Developmental Disabilities
Stephen Schumacher
Kim Guinasso
Ashley Dyal
Brent Brooks, Senior Pastor, Reno Christian Fellowship Church
Jessica Bridges
Annalise Castor, Power2Parent
Lisa Mayo-DeRiso, Power2Parent
Krystal Minera, Word of Life Ministries
Ricardo Garcia, M.D.
Beatriz Guitiérrez Lemus
Tammy Cain
Jim Toner
Luz Molina, D.D.S.
Graciela Guthrie
Virginia Douglas, Ed.D.
Erin Phillips, Power2Parent
Bridget McNeil
Elisa Cafferata, President and CEO, Nevada Advocates for Planned Parenthood
Affiliates, Inc.
Kristy Oriol, Nevada Network Against Domestic Violence
Vanessa Spinazola, ACLU of Nevada
Marlene Lockard, Nevada Women's Lobby
Kathleen England
Dawn Koonkongsatian, Nevada Teen Health & Safety Coalition

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Laura Deitsch
Kelly Lynn Charles
Robyn Mazy
Jessica Winkle
Erin Miller
Brooke Walker
Rosie Winkle
Angie Sullivan
Jessica Preston
Bonnie Preston
Theresa DeGraffenreid

Chair Hardy:

We will open the hearing on Assembly Bill (A.B.) 199.

ASSEMBLY BILL 199 (1st Reprint): Makes various changes to certain advisory committees and programs relating to health care. (BDR 38-552)

Assemblywoman Irene Bustamante-Adams (Assembly District No. 42):

I was the chair of the Sunset Subcommittee of the Legislative Commission in the 2013-2014 Interim. The Sunset Subcommittee was created by the Legislature through *Nevada Revised Statute* (NRS) 232B.210 to review boards and commissions and make recommendations to continue, terminate, modify or consolidate those entities. We heard A.B. 199 before the Assembly Committee on Health and Human Services and voted it do pass. It was then referred to the Assembly Committee on Ways and Means because it had a fiscal note. It was amended in the Assembly Ways and Means Committee and the fiscal note was removed. The goal of A.B. 199 is to make the boards and commissions more effective, clean up statutes and remove inactive entities. I have submitted my written testimony ([Exhibit C](#)).

Laurie Squartsoff (Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services):

The Division of Health Care Financing and Policy supports A.B. 199 because it extends the terms of the Medical Care Advisory Committee members appointed on or after July 1, 2015 to 2 years, which provides consistency with our Committee membership. This bill also abolishes the duplicative Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board. The bill has no fiscal note for my agency.

Chair Hardy:

I will close the hearing on A.B. 199 and open A.B. 5.

ASSEMBLY BILL 5 (1st Reprint): Revises provisions relating to services for persons with intellectual disabilities and persons with related conditions. (BDR 39-416)

Assemblywoman Teresa Benitez-Thompson (Assembly District No. 27):

During the 2013-2014 Interim, I was chair of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, established by NRS 218E.750. Assembly Bill 5 is the result of our May 2014 meeting where we heard a presentation on Employment First in Nevada, discussing the need for Nevadans with intellectual and developmental disabilities (I/DD) to have the opportunity to work within the general workforce and make meaningful contributions. One of the presenters at that May 2014 meeting was Sherry Manning, executive director of the Nevada Governor's Council on Developmental Disabilities, who suggested that Nevada is vulnerable to a possible lawsuit from the Department of Justice regarding Employment First. This warning came about as the result of an April 8, 2014 settlement between the Department of Justice (DOJ) and the State of Rhode Island. In the press release (Exhibit D) for this settlement, it reads:

The landmark ten year agreement is the nation's first statewide settlement to address the rights of people with disabilities to receive state funded employment and daytime services in the broader community, rather than in segregated shelter workshops and facility-based day programs. Approximately 450,000 people with I/DD across the country spend their days in segregated sheltered workshops or in segregated day programs. The agreement significantly advances the department's work to enforce the Supreme Court's decision in *Olmstead v. L.C.*, which requires persons with I/DD be served in the most integrated setting appropriate.

Since the Committee's last meeting in August 2014, Governor Brian Sandoval issued Executive Order 2013-10, directing State agencies to make a concerted effort to include persons with I/DD as candidates for employment, with, "no less than five percent of the openings within the agency."

Assembly Bill 5 furthers these efforts. It allows the Aging and Disability Services Division (ADSD), Department of Health and Human Services, to work with the Department of Employee Training and Rehabilitation (DETR) to come up with employment models for people with I/DD. I am submitting a conceptual amendment ([Exhibit E](#)) to section 1 of A.B. 5, which specifies that an employment plan is preferred. We want ADSD and DETR to come up with the plans together and develop regulations to allow for the consideration of two options—an individual who may not want to opt in to this type of employment model, or anyone who could not work in an integrated setting. Sheltered workshops serve a purpose. Certain individuals will always need to be in such specialized places. However, considering the DOJ action against Rhode Island, there needs to be a choice in employment settings supported by the State. I have submitted my written testimony ([Exhibit F](#)).

Jane Gruner (Administrator, Aging and Disability Services Division, Department of Health and Human Services):

The ADSD is here in support of A.B. 5. This bill will allow people with disabilities to seek employment and have an opportunity to get out of poverty. The bill supports the Governor's Task Force on Integrated Employment and aligns with recent federal mandates. I have submitted my written testimony ([Exhibit G](#)).

Senator Spearman:

I was on that Interim Committee with Assemblywoman Benitez-Thompson. One thing that struck me was that despite some of the challenges people had, there was a strong desire to work. Providing that tiered approach does more than merely provide money, it improves self-esteem.

Ed Guthrie (Chief Executive Officer, Opportunity Village):

Opportunity Village is the largest provider of jobs and day training services in Nevada. What people do not know is that Opportunity Village has placed 55 individuals in competitive integrated employment in the first 10 months of the fiscal year. We believe everyone with an intellectual disability should have the opportunity to choose community integrated employment. We believe everyone with an intellectual disability should have the information necessary to make an informed choice about the services they receive and where they receive those services. We believe that to be able to make an informed choice, there has to be a variety of services from which to choose.

We also want to make it clear that the Legislature and the Governor have to adequately fund services for this population of people with intellectual disabilities; otherwise, there will be few, if any, options for them to select.

Finally, we believe that once an individual with a disability or that person's guardian has made an informed choice, the State and service providers need to honor that choice, providing the best services possible to that individual.

Brian Patchett (President, Easter Seals Nevada; Chair, Nevada Commission on Services for Persons with Disabilities):

I concur with what Mr. Guthrie has said. We believe people with disabilities should have choices of opportunities to be employed and should have the ability to choose settings that are most appropriate. We support A.B. 5 as amended by Assemblywoman Benitez-Thompson's statement today. We feel this will be of great benefit as we continue to provide these services.

Regina Daniel:

I am a parent of a special needs individual who has benefited from having choices and I, too, want to thank you. What is the dignity of a life without choices? What if you had to go throughout your entire life without the choice of what you did, or were made to feel ungrateful if you did not accept a choice you did not choose? Thank you for the opportunities for my son and his peers to have some of those choices. Just because a person has an intellectual disability does not mean they do not need, want and desire everything everyone else does. Everybody deserves to have some choices. I support A. B. 5 and want to say thank you again as a parent.

Katherine Ryder:

I am my sister Jeanine's guardian and want to say thank you for this bill and for your support. It is very encouraging. Jeanine has a lot of wonderful skills and she is a lot of fun to be around. She has been at Opportunity Village for more than 20 years. She has many unique skills. She really enjoys what she does and I want to thank you very much for this opportunity.

Judith Koller:

Next to me is my son, Scott Ruggles. We both want to thank you so much for A.B. 5. Opportunity Village is his choice of work sites. Thank you again.

Scott Ruggles:

I have been working really hard at doing things right. It is much better to work really hard at these other life things, to get paid and get a lot of things done. I started working in the workshop because I loved working a lot of times, and my work would get a payroll. Thank you.

Sherry Manning (Executive Director, Nevada Governor's Council on Developmental Disabilities):

I would like to thank you for the opportunity to offer support for A.B. 5 on behalf of the Nevada Governor's Council on Developmental. I have submitted my written testimony ([Exhibit H](#)).

Stephen Schumacher:

I have a developmental disability. I am a member of Nevada Governor's Council on Developmental Disabilities, the Governor's Taskforce on Integrated Employment, and People First of Nevada, Reno Chapter. Assembly Bill 5 is very important to people with disabilities as a start in helping us get jobs in our community. I have submitted my written testimony ([Exhibit I](#)).

Chair Hardy:

I am going to do this a bit differently. Is there anybody who is against having jobs, being independent and helping people?

Hearing no opposing or neutral testimony, I will close the hearing on A.B. 5 and open the hearing on A.B. 405.

ASSEMBLY BILL 405 (1st Reprint): Revises provisions regulating certain abortions. (BDR 40-755)

Assemblyman Ira Hansen (Assembly District No. 32):

Assembly Bill 405 deals with parental notification. It is modeled on a 1981 Minnesota law, functioning from 1981 to 1986 when it was challenged judicially before the U.S. Supreme Court. The U.S. Supreme Court ruled in 1990 that it was found to be constitutionally proper. The 25-year track record of this almost identical bill is discussed in the submitted testimony of Scott Fischbach, Executive Director, Minnesota Citizens Concerned for Life, ([Exhibit J](#)).

There are 38 states that require, at the minimum, parental notification and 21 states have an even higher bar of requiring parental consent for abortion for

a minor. All 38 states also have a judicial bypass mechanism as required by a 1990 U.S. Supreme Court decision. Assembly Bill 405 also has that same judicial bypass mechanism.

In 2011, a Gallup poll posed the question, "Would you support a law requiring women under the age of 18 to get parental consent for any abortion?" Those polled said 71 percent yes and 27 percent no. It had strong bipartisan support from both parties.

We have had several bills requiring parental notification. Assembly Bill 206, the cyberbullying bill requires parental notification and Senate Bill 504 requires parental notification within 1 day of all students involved in bullying.

ASSEMBLY BILL 206: Revises provisions relating to certain notices provided to the parent or guardian of a pupil who attends a public school. (BDR 34-740)

SENATE BILL 504: Amends provisions relating to a safe and respectful learning environment in public schools. (BDR 34-1201)

Assembly Bill No. 144 of the 77th Legislative Session which passed, required parental notification for minors deciding to be organ donors, S.B. No. 267 of the 77th Legislative Session, which also passed, forbids anyone under the age of 18, even with parental consent, to use a tanning booth.

In statute, we have laws stating that even if you are 18, you cannot buy cigarettes, use medical marijuana, buy spray paint, firearms, stun guns, certain ammunition, or get tattoos. We are considering a law this Session that does not allow the use of electronic cigarettes and other vaping products by anyone under 18. When my daughters went to get their ears pierced, their mother had to be with them with photo identification and their birth certificates. Even something as simple as obtaining an aspirin at school requires parental notification.

The judicial bypass mechanism is sometimes brought up as, perhaps, a hindrance to this. The opponents of A. B. 405 will give you some horrendous stories about hypothetical things that could arise. For example, if you have a 15-year-old who is pregnant, she obviously would not know to go see an attorney or a judge; how would that be handled? The many states that have the

judicial bypass process would have a local clinic assist them in going through that process. This is not an attempt to try to stop abortion; this is simply notification.

As Chair of the Assembly Committee on Judiciary I heard bill after bill which dealt with underage children and minors' accountability. At what level or age should we hold them accountable for their actions? The reason this is an issue is that we had frequent testimony discussing the issue of brain development. It turns out that under the age of 18, the portion of the human brain that deals with consequences is not fully developed. We have testimony that states that does not occur until at least the age of 25.

At the very least, if we are going to be consistent and insist that minors have parental notification and involvement in all the other things, then concerns over brain development, especially the consequences area in the brain, would be strong support to recommend that parental involvement in such a serious matter as an abortion be also taken into account ([Exhibit K](#)).

Of the 38 states that require parental notification, none of them has revoked that law, making only minor adjustments for the most part. All those states have kept those laws for as many as 25 years. This is a tried-and-true law; this is not experimental. We can show the exact results and consequences in other states like Utah ([Exhibit L](#)).

One of the most positive things to come out of these laws in other states is a substantial reduction in the number of abortions. Has there been a consequent rise in the number of domestic violence situations? There is no evidence to support that supposition. I have submitted my written testimony ([Exhibit M](#)).

I am the father of eight, have four daughters, five granddaughters and four sisters. I love women. I love my children. I love their future. I want only the best for them. Like all of us, I live in the real world. I have dealt with some of these issues in a very personal way in my lifetime. At the very least, we should want to encourage the involvement of parents with their children in significant medical decisions. Putting aside the issues of morality, if we are going to involve parental responsibility giving a child an aspirin or having their ears pierced, surely a medical procedure as psychologically and physically involved as an abortion should warrant that same level of parental involvement. That is

what this bill is attempting to do. I have submitted a letter of support from Don Nelson from Nevada LIFE ([Exhibit N](#)).

Assemblyman Phillip “P. K.” O’Neill (Assembly District No. 40):

I sat on the Assembly Committee on Judiciary where we initially heard A. B. 405. I know many of the facts presented. This bill requires parental notification, not parental consent. This is a very low standard. Some of the opponents testified that one reason a young woman might not want parental notification is abuse within her own family. This issue has raised a question whether a judicial process could be utilized as to whether the minor seeking the abortion is even mature enough to allow waiver of parental notification or if that parental notification would not be in the minor’s best interest. Can A.B. 405 be amended to change the judicial bypass option to some kind of administrative bypass? My answer would be yes.

I would like to reference the United States Supreme Court case, *Bellotti v. Baird*, 443 U.S. 622, 99 S. Ct. 3035, 61 L. Ed. 2d 797, 1979 U.S. In that case, the Court commented that something less formal than a judicial bypass may be preferable. In a footnote, the Court stated:

We do not suggest, however, that a State choosing to require parental consent could not delegate the alternative procedure to a juvenile court, or an administrative agency or officer. Indeed, much can be said for employing procedures and a form less formal than those associated with a court of general jurisdiction.

That was talking about consent. This is only notification, which is a lower standard. Associate Justice John Paul Stevens, concurring in part, said, “Although it need not take the form of a judicial bypass, the State must provide an adequate mechanism for cases in which the minor is mature or notice would not be in her best interests.”

When I study this, the one agency in all 17 Nevada counties that has the best interests of the child at heart, investigates child abuse cases and takes dysfunctional cases and tries to make them functional, is our Division of Child and Family Services, Department of Health and Human Services. I would like to offer that thought in lieu of a judicial process.

Kim Guinasso:

I am a local attorney, formerly employed by the Legislative Counsel Bureau (LCB). The training I received here did not prepare me to become an advocate and although I am not comfortable with this, this issue is very important to me. I am the mother of two children and one of my children is a 12-year-old girl.

When I was approached to help with A.B. 405, I was surprised. I did not realize there was no requirement that I be notified if my daughter were taken for an abortion. I looked into it and discovered that we have had a law on our books since 1985 requiring parental notification, but it was enjoined by the federal courts, both the U.S. District Court and then the U.S. Court of Appeals for the Ninth Circuit. This bill repairs the problems with our notification laws and seeks to restore a commonsense approach. There is no other medical procedure I would not be notified about concerning my daughter. Assemblyman Hansen discussed the ear piercing. That happened to me. I took my daughter in, and it was a huge deal to get her ears pierced. I am not questioning that; I am glad about that. There are complications that can occur even with piercing ears. I am not convinced it is the best policy for the State to prevent me from caring for my daughter, no matter what the medical procedure is.

We heard there is a concern about the judicial bypass procedure. The judicial bypass procedure requires a family court judge, not just any judge. You will hear testimony from the former dean of the National Council of Juvenile and Family Court Judges discussing the types of experience and training these people have with respect to abuse and neglect situations.

I know that not all children in this State have loving parents who can take care of them when they find themselves in a situation with an unwanted pregnancy. This situation causes me deep distress and grief. What I cannot accept is that when a child is facing those circumstances, the best we can do is terminate her pregnancy and send her back into the circumstances that victimized her in the first place. Family court judges have experience dealing with at-risk families and the bill does require the court to appoint a guardian ad litem or a court appointed special advocate to assist the underage girl in these situations.

Some physicians and professional organizations are supposedly against A.B. 405, but in my extensive research, I could not find any specific mention of opposition to A.B. 405. Some generic position papers exist, though all of those were published 20 to 25 years ago. We have had that many years of many

states requiring parental consent, an even higher bar than this parental notification. I could not find any data supporting an outpouring of abuse or children seeking back-alley abortions. It is just not there.

Ashley Dyal:

I come before you with the hope that hearing my story will illustrate why I support A.B. 405. When I was 18 years old, I obtained an abortion. My reasons are my own and even today my feelings are mixed regarding that choice. However, the reason I share that information with you is to give you the knowledge that I have personal perspective and insight as to what a teenage girl goes through during the abortion process. With my personal perspective and experience, I wholeheartedly support A.B. 405. It is so important for parents, or even one parent, to be notified when their young daughter goes through that experience. Even if the girl's parents do not agree, it would give them the opportunity to be there as a support system during an emotionally trying time.

When I look back on my experience, it was such a difficult thing to go through. I was alone, as an 18-year-old girl. I was so scared as I sat in the clinic lobby reading the paperwork. I was terrified to think of the consequences as I signed away my right to legal recourse should anything go wrong with the procedure. I was fearful about the procedure itself and what would happen. As I came back into consciousness after the procedure, I woke up all alone and isolated, and my feelings matched that—alone and isolated. I went through all these experiences and had all these feelings as a very young adult. I cannot image what having an abortion would be like as a 12-year-old, let alone a 12-year-old with no support system.

As someone who has experienced having an abortion and now, the experience of being a mother to a young girl, I urge you not to prevent loving parents from providing unconditional support to our daughters. The experience of having an abortion is terribly emotional. Having to go through that in secret is even more damaging, particularly at a young age.

Although a young girl's decision to obtain an abortion might be hurtful to her family, it will be even more damaging if her family is not able to give her the support and love she is sure to need. Due to the psychological stress she has undergone, she may act out. If her parents have no idea what she has undergone, they might not react with sympathy and understanding because

they are confused by her actions, thus widening the chasm between a teenaged girl and her family.

As parents, we may not always agree with the decisions our children make, but any parent can agree that even though we might disapprove of our children's actions, we will never stop loving them and we will always do everything in our power to ensure our children know they are loved and supported. Please allow me the chance to love and support my daughter through all of her decisions, even the ones I might disagree with.

Brent Brooks (Senior Pastor, Reno Christian Fellowship):

I am here to speak on behalf of A.B. 405, modified to the full age of 18 or majority. I am not here to argue the legality or the morality of abortion. We are here to talk about the protection of parental choice, parental rights and the protection of child safety.

I come here with three backgrounds: I was a former practicing, civil trial attorney in Texas and am acquainted with general principles of medical law. One such principle is informed consent of the patient. Secondly, the law has always been that minors are not capable of giving informed consent. Therefore, their parents have to give the consent for them, which is why their parents have to give consent for them regarding smoking or signing contracts; minors are not allowed to do those things.

We have a schizophrenic law situation here in Nevada at this point. We have one legal exception to that—the issue of abortion. The law we are talking about here in A.B. 405 is not asking for consent; it is asking for much less than that, parental notification. The question is, if we require informed parental consent in every other situation, why is it too much to ask for parental notification in this situation?

As you know, every medical procedure has potential complications and side effects. Why are parents being excluded from knowing this surgical procedure is taking place, and why are we preventing them from knowing that?

Secondly, I come as a parent. My daughter is approaching 32 years of age. For the first 18 years of her life, my wife and I had the responsibility of making sure she was making age-appropriate decisions. We wanted to make sure that when she made those decisions, we helped guide those decisions so those choices

were not influenced by other children and certainly not by adults who did not have her best interest at heart. As a parent, I ask: What is the compelling governmental interest in taking away parental rights on this issue? I do not see it.

Thirdly, as a pastoral counselor, someone who deals with people all the time, I want to address what I have witnessed. I have talked to numerous abortion survivors dealing with guilt, anxiety and depression—all have told me stories of bullying boyfriends who forced them into situations they would not otherwise have chosen. When we take out the parent's voice, we have to consider what other voices are heard.

I have heard the stories of those who have gone through the abortion system in our State, being moved along to decisions that were guided by those who stood to gain financial interest in their decisions. I have heard horrific stories from victims of abuse, sexual trafficking, and who found their abusers or pimps were able to use the loophole in our law today. While these victims were shielded from going to their parents, their parents never learned how their daughters were abused in the process.

Jessica Bridges:

I am here today because I am a mother and I have a daughter. I have spent the majority of my life in Nevada. I have lived here as a child, a teenager, during college, and now as an adult with three children of my own. Now those children will grow up here, too. My written testimony has been submitted ([Exhibit O](#)) and I also submitted a document from the National Right to Life Committee, Inc. ([Exhibit P](#)).

Annalise Castor (Power2Parent):

I am here as a parent, hoping that my representatives remember and be consistent in their laws—that their laws are for me to be the protector of my children. I support this bill.

Lisa Mayo-DeRiso (Power2Parent):

As a parent, I support this bill because it is time Nevada joins with the 38 states in recognition and celebration of the right of parents on this important issue. I have submitted my written testimony ([Exhibit Q](#)).

Krystal Minera (Word of Life Ministries):

I am here representing my father, Caesar Minera, who was not able to be here today. Jane Hull once said, "At the end of the day, the most overwhelming key to a child's success is the positive involvement of parents."

I want to share something with you that my father taught me. Every morning growing up, he would drop me off at school. He would tell me to pray before I went to school but not just for myself or the kids in my class or just my teachers. He said to pray for every single student and teacher—for his or her well-being and protection. This was creating a mind of awareness, not self-centeredness.

Today, I represent the churches, the congregations that we pastor, the radio station listeners—all those voices. The only way we can truly protect these young women who may be contemplating abortion is to be involved and console them in a time of need or hurt.

Family was the original institution. Before there was a government, there was family. Before there was religion, there was family. If we forget that, we are forgetting a fundamental part of our life. We are asking the government not to create a greater barrier between parents and children, but rather support the involvement that can only create more tightly knit families.

To say that creating laws of this sort can only bring about greater abuse for these sorts of girls is like saying if I were riding my bike as a child and fell and scraped my knee, my Dad would want to hurt me. If anything, that is the moment when he wants to be closest to me.

Ricardo Garcia, M.D.:

I am an obstetrician/gynecologist practicing in Reno. When a minor comes to my office, parental consent is required, whether for treatment of acne, bladder infection or a sports physical. That same minor, however, can go to an abortion clinic, terminate her pregnancy and the parents might not be aware.

The abortion procedure—dilation and evacuation—is relatively safe. The cervix is dilated, suction tubing is placed into the uterine cavity, the tissue products are removed and the uterine cavity is evacuated. The uterine walls are not impenetrable. The suction catheter can perforate the lining. Bowel can be

sucked into the uterus. It can be torn. Infection can set in. This is a life-threatening emergency.

Imagine the young girl going home after three or four days, gets stomach cramps, fever, throws up. Oh, she has stomach flu. Let us just wait a little bit, delaying treatment. Even without uterine perforation, infection can still set in. Hemorrhage is another complication. Bleeding does not always occur immediately; it can occur days or weeks after, potentially requiring another procedure, more treatment and more problems.

As a professional, I feel it is mandatory that at a minimum, a minor's parents be notified. As a parent with three girls, I feel strongly that it is my right to know if my children are having any procedures or medical treatments performed.

Beatriz Guitiérrez Lemus:

I support A. B. 405. Since I came to the United States as a teenager, I have been a resident of Nevada, graduated from high school in Nevada, went to college in Nevada, became a citizen of the United States in Nevada, got married in Nevada and now am a working Mom, rearing four teenagers in Nevada. Both my family and I are invested in Nevada.

My sons and daughters cannot join the military or go on a field trip without a signed consent form. I disagree with not being able to know about something that is going to affect the rest of my son or daughter's life. I strongly believe the only way to go is family. Family needs to know you are there for them and my kids know that the main thing, the most important thing, is family.

Tammy Cain:

I am a high school teacher and a mother of four. I dealt with three young teens last week that are suffering from the disconnect that occurs with parents when they go through rapes and abortions. The parents are also suffering in many cases because they have no idea what has caused that separation. I see this play out a lot in our society. This is a moral erosion that I ask you to stop. There are caring parents who oftentimes want to be a part of this and for the students that I have that do not have caring parents, they want that opportunity to have an adult to be there to protect them.

I have also seen this play out in addictions, suicide and depression with some of the children I deal with. I have a few I weep for who are not with us any longer.

I am a survivor of sexual violence and self-destruction due to isolation. My scars bear testimony of that. I will tell you the most difficult thing for me as an adult is to find the words to tell my loved ones what I have lived through. I have constant night terrors and flashbacks. I could not tell anybody about that because they never knew what happened. I just ask you, please, offer the support that our kids need, that our kids want.

Jim Toner:

I worked at the National Council of Juvenile and Family Court Judges, in the National College of Juvenile and Family Justice, for 33 years, retiring as dean of the College. The National Council works in many different areas, including children in need of supervision, custody disputes, domestic violence, substance abuse, child abuse and neglect. The National Council does extensive education and training. They have trained Nevada judges. It has been my experience that juvenile and family court judges are not only extremely dedicated but they have expertise based on their experience, their education and their training. They know how to deal with at-risk youths and youths that have been abused and neglected.

Yesterday, in Reno's newspaper, there was testimony to Deborah Schumacher, a judge in Washoe County. She was honored for her work and her knowledge in child abuse and neglect cases. Both Clark and Washoe County Family Courts have been recognized by the National Council for their model court programs. They have undergone specialized training. My point is that Judge Schumacher, and all family court judges in the State are not unqualified, disinterested spectators. They, and other family court judges, are, in fact, committed, trained and have expertise in family matters. They are committed to the best interest of the child.

Luz Molina, D.D.S.:

I am a pediatric dentist with 23 years of experience. I am here as a professional and as a mother of four. One of my children is a daughter and a breast cancer survivor.

I have been on both sides, providing care that is non-reversible and life-threatening to those procedures. The adolescent brain may not have the necessary maturity, emotional development and intellectual capacity to make intelligent and informed decisions concerning the medical procedure to terminate a pregnancy and to understand all the alternatives, the consequences and the

lifetime complications of that procedure. In my professional opinion, it is vital that the parents be informed concerning any procedure that their daughter undergoes, so that they might watch for potential complications and provide some advice and guidance. In my professional opinion, to neglect to notify parents is unethical. I would never do a procedure on any of my patients without at least informing the parents of what I would be doing.

As a mother, the idea that a nonemergency medical procedure could be performed on my daughter without my knowledge and consent is reprehensible. To me as a professional who specializes in treating both young adults and adolescents and as a mother of a daughter, it is reprehensible.

Graciela Guthrie:

I am the mother of five daughters, all born in Nevada, and am expecting a sixth child, also a daughter. Two of my daughters are with me here today. All I am asking from you is for your consideration of my right to support and respect for my right as a mother to be involved in my children's decisions, especially a decision as important and life-changing as abortion.

Virginia Douglas, Ed.D.:

I am a retired State psychologist. Nevada has been good to my family and me. Does our Legislature now totally disregard and disrespect parents? Do our Legislators think they can step in and rudely displace them with disrespect? That would be a very sad thing for me to see after all these years of living in Nevada. I have a granddaughter who is 15 years old and a grandson, who is 17 years old and going into the Navy. My son is a law officer in this State.

Human trafficking has become a very big issue. Secrecy and collusion with those who abuse young children seems to be more important than does the respect for parents. I worked with the Department of Health and Human Services (DHHS). I worked with all the transformations for mental health through the ages. At the end of my career, I was very sad to see what we were doing.

I have followed the legislation and the treatment of our children. I have followed the data of how Nevada's DHHS results show up nationwide. We do not have the right to be arrogant. We do not have the right to say parents are stupid. We have these people voting for our leaders. This is Memorial Day. This is the day we honor those who were wounded, lost their lives or shed their blood so we

might have the freedom to speak and have something to say about the rules of law in our nation. We need to uphold the rights of families—mothers and fathers. I know that not every family does a great job, but if we undermine marriage and family, do you think it will get better? Do you think your data will look better as you continue to disrespect us? Please pass this very simple, very small speed bump.

Erin Phillips:

As a mother of four and a Clark County foster parent, I support A.B. 405. My written testimony has been submitted ([Exhibit R](#)).

Bridget McNeil:

I am a high school student and I support Assembly Bill 405. Without A.B. 405 enacted in the state of Nevada, I am vulnerable to a coerced abortion. My boyfriend might yell at me, scream at me, shake me or get more violent with me. I would become scared enough to get in the car with him while he drives me to a Planned Parenthood clinic. When I get out of the car, who is there for me? My mom, my dad? They will not be there. They will never know.

Senator Spearman:

I have heard support for A.B. 405, but I am struggling to understand what laws currently prevent someone from telling his or her parent? I have heard that children cannot tell their parents or they have to have consent to tell their parents, but it does not make any sense. What is it about the law that prevents them from telling their parents?

Chair Hardy:

Ms. Guinasso, would you like to answer that question?

Ms. Guinasso:

There is nothing in the law right now preventing a child from notifying or talking to her parent. The problem is that children do not have the capacity to understand the long-term consequences of this medical procedure.

Senator Spearman:

I understand that. We say that the law prevents them from telling their parents. I have been looking here to see, but see no law that prevents them from telling their parents. My question, is there something in the law which prevents them from telling their parents?

Chair Hardy:

For the record, Ms. Guinasso shook her head “no.”

Senator Spearman:

One young lady spoke about being abused and she could not tell anybody. My question is why could she not. If that type of physical abuse took place, why could she not tell anyone?

Ms. Cain:

For me, the reason I could not put words to it was that I was so ashamed of what was happening and I had so much guilt, I just wanted to have everything fixed without anybody knowing. When I did get to where I was safe and things were fixed, I did not want to admit to anybody what I had allowed to happen because I felt that I was partly to blame. In reality, I was there. I did not want to have to come forward. I did not know how to bring the words forward. I kept being riddled with night terrors. I did not know how to solve those.

Senator Spearman:

When it comes to full disclosure, not only did I serve my Country for almost 29 years, I have pastored churches for about 35 years and graduated from the Episcopal Seminary of the Southwest. During that time, I have had some opportunities to talk with families who were in crisis. I have not heard how it turns about if there is so much abuse and dysfunction in a family, maybe we will hear of that later.

Clark County School District states they had about 8,000 homeless students this last year. If A.B. 405 is passed, what happens to a child who is homeless, and does not have a relationship with her parent?

Ms. Guinasso:

I do not think I was able to address A.B. 405 adequately and the procedure by which an underage girl can bypass the requirement to notify her parent. There is a bypass procedure. It would enable a girl, for whatever reason other than she does not want to notify a parent, to go to a family court judge and request a bypass. The concern I have is that in any of these circumstances, we are creating a situation where no one has to be informed. No adults have to be informed about these things. In a family court situation, we have heard testimony that these people are very well trained to deal with some of these issues.

Certainly, in a case such as you are describing, where there is non-involvement of parents for whatever reason, the court is able to bypass any notification process. It is a very quick process; it is hours. I looked into a similar situation in Washoe County and Clark County where temporary protective orders exist; in a case such as this, there would be no other person's rights at issue. With a Temporary Protection Order (TPO), you have another person against whom the TPO is being ordered, so that other person has rights which need to be protected, to testify against and need to be notified. In this proceeding, there is no such requirement.

In Arizona, according to what is published on Arizona's Planned Parenthood Website, in most cases it is a matter of hours. In our State, a similar situation is going to be a matter of hours; it will be a quick, expedited and confidential proceeding. I think it is very important to do whatever we can to try to put in place the ability for responsible adults to know what is going on, be informed and protect these children.

Elisa Cafferata (President and CEO, Nevada Advocates for Planned Parenthood Affiliates, Inc.):

I represent the Nevada Advocates for Planned Parenthood Affiliates, Inc. I am also the mother of four children, most of whom were born in Nevada with the exception of my bonus daughter, who was born in California. As a parent, I absolutely understand that we want our young daughters to come to us if they are ever in trouble and need to talk to us. If one of my daughters ever felt that, for any reason, she could not come to me, I would very much want her to be safe, not to take matters into her own hands and possibly pursue illegal and dangerous options.

Let me point out that parents are not being excluded from this process. Up to 90 percent of young women who choose to get an abortion do involve one of their parents. The younger they are, the more likely they are to involve a parent.

The young woman who asked that if she were driven to a Planned Parenthood or other health care provider to get an abortion under coercion, let me assure you that all medical professionals, including the professionals at Planned Parenthood, are medical professionals. Our first duty is to our patients.

The first conversation that we have with a patient is have you involved a parent, which opens the conversation for us to understand what her situation

is—if she is being abused or cannot talk to a parent or if she is in a situation where the mandated reporting requirements for all health care professionals comes into play.

Our No. 1 concern about A.B. 405 is that it forces young women who may not come from healthy or ideal families like these you see today, into a terrible choice, facing more abuse at home or going to a district court. Let me reiterate, A.B. 405 does not bring girls to the family courts; it brings in district courts. Family court judges may be wonderful and well trained, but the bill specifies that these young women will have hearings before district court judges. If it is denied, then they go to an appellate court where they may face as many as three judges—strangers they do not know, who will walk them through every intimate detail of their lives when they are scared and terrified and do not have any place to turn. That is if they can get to the court in the first place. I have submitted three articles to the Committee ([Exhibit S](#)), ([Exhibit T](#)), and ([Exhibit U](#)).

Someone from the proponents brought up the Arizona bill, and let me tell you that Arizona is considering a law right now that would allow the court to inform anyone that the court felt it might need to inform. This could include the parents of the young woman, whom we have been assured would be given a confidential process, but Arizona is looking at changing the law. Her parents might end up in court and they might also have attorneys to be in an adversarial situation against their young daughter who, for whatever reason, felt she could not talk to them. While this bill might protect them right now, there is no guarantee those protections and that confidentiality might remain in place. Abortion is a very safe procedure.

Chair Hardy:

As I understand it, in Nevada, family courts are district courts. I defer to my legal counsel, Mr. Powers.

Kevin Powers (Chief Litigation Counsel):

Section 25 of Assembly Bill 405 amends the family court jurisdictional statute so the family court has original exclusive jurisdiction in any proceeding brought pursuant to section 13 through section 16 of this act to request the court to issue an order authorizing an abortion.

Not every judicial district in the State has a family court; only the largest judicial districts have family courts. In smaller judicial districts, the district courts serve as family court, criminal court and civil court. That is because the populations in those judicial districts do not warrant separate family courts. The family courts exist in our largest judicial districts like Washoe County and Clark County, where they have exclusive jurisdiction over proceedings dealing with sections 13 through 16 of the bill.

Ms. Cafferata:

We reiterate that abortion is an extremely safe procedure, especially the earlier it is done. Within the first 9 weeks, it can be done with medication rather than a surgical procedure. This is why every health organization—including the American Medical Association, obstetricians, gynecologists and pediatricians—all oppose forced parental notification because of their concerns that it would hinder young women from getting the health care they need.

I want to correct a few points of misinformation that have been made. Minors are allowed to give consent for medical procedures in several cases in Nevada law because we want to be sure they get the health care they need. Specifically, sexually transmitted disease testing and treatment, substance abuse testing and treatment or if carrying a pregnancy to term, the pregnant female can give consent for an adoption or Caesarean section—all these procedures can be done without the consent or notification of a parent.

Regarding the mention of tanning, the American Academy of Pediatrics opposes both tanning and parental notification. We think you should listen to the doctors in this particular case. Chair Hardy knows aspirin is contraindicated in young children that have fevers as it could lead to Reye's syndrome. There are complications, as you can see in these examples.

The fact that abortions went down in Minnesota may be true. It is important to also look at the neighboring states where, in many cases, abortions went up. These bills do not increase involvement of the family; the same numbers of young women talk to their parents. These bills do not reduce the numbers of abortions, but what they do is increase the number of second trimester abortions. In Texas and Mississippi, where they have these laws, there is a 10 percent to 20 percent increase in second trimester abortions.

We oppose A.B. 405. I have submitted my written testimony ([Exhibit V](#)).

Kristy Oriol (Nevada Network Against Domestic Violence):

I represent the Nevada Network Against Domestic Violence, representing domestic violence programs in Nevada. I am also a mother. Because we feel parental laws are dangerous for young women and especially young women experiencing abuse, we oppose A.B. 405. I have submitted my written testimony ([Exhibit W](#)).

Vanessa Spinazola (ACLU of Nevada):

I have submitted a letter ([Exhibit X](#)) which I will not read today. I will hit the highlights and talk to you about judicial bypass decisions in other states with parental notification laws.

Assembly Bill 405 will stop abortions, especially for the most vulnerable youths who have to use the judicial bypass procedure. Results of judicial bypass are that these young people are denied the right to decide what to do with their own bodies. Instead, judges make those decisions. Delegating the authority to a bureaucracy will not solve any of those problems because district courts and family service divisions are not trained in these specific cases. This is why we push so hard to have a fiscal note to implement training in these scenarios if this bill is to pass.

In my letter, [Exhibit X](#), I have outlined dozens of cases in which judges have denied abortions to young women based upon the two-pronged test that we have in A.B. 405—whether the minor is mature enough and whether it is in her best interest to have the abortion. The letter also outlines how appeals in some cases take time while the girls are getting farther along in their pregnancies, making it more and more dangerous for them to have safe procedures.

Youths who do not want to tell their parents about pregnancy will not change their minds because A.B. 405 is signed. Only parents reaching out to their children will change that. Parental notification laws have resulted in harm to youths—from running away from home to contemplating suicide, to death from unsafe abortions and their complications. Not even one of these cases is worth what A.B. 405 is proposing. We ask that you vote no.

Marlene Lockard (Nevada Women's Lobby):

I am here in opposition to A.B. 405. Unfortunately, we do not live in a world where every young woman has an ideal family to comfort her in times of stress and negativity in her life. In northern Nevada, all you have to do is drive down

4th Street in Reno where you see young children playing in the parking lots of the 4th Street hotels and motels. It breaks your heart. Sometimes there is not an adult in that room. Sometimes those kids are waiting for their parents to get home from their jobs that they are working to pay that weekly hotel rent. In the real world, families are not made up of people who have had sufficient education to be good parents, to advise a young girl or boy. How many times do we see young children being abused by boyfriends of young women? There is a whole myriad of bad things, unfortunately, that happen up there. A bill like A.B. 405 will not damage everyone, but can damage and hurt some of them. Please do not support A.B. 405.

Kathleen England

I am a practicing attorney here in southern Nevada. I want to clear up some misconceptions about A.B. 405. The right of a young woman under the age of 18 to secure medical advice is protected by the Constitution. She has the fundamental right of privacy. This has been decided by the U.S. Supreme Court. A minor has a right to seek medical care because the zone of her privacy includes her reproductive rights. You do not have a constitutional right to get a tattoo or get your ears pierced, but as a young woman you do have a constitutional right, under the U.S. Supreme Court's decisions of *Eisenstadt v. Baird* 405 U.S. 438, 92 S. Ct. 1029, 31 L. Ed. 2d 349, 1972 U.S., *Griswold v. Connecticut* 381 U.S. 479, 85 S. Ct. 1678, 14 L. Ed. 2d 510, 1965 U.S., and the aforementioned *Bellotti v. Baird*.

A young woman has the right to get medical care and this includes her reproductive rights. Her fundamental right of privacy does trump some of the sad stories you have heard here with parents saying they want to be involved in their child's decisions. Unfortunately, not every family is able to provide that warm, safe and stable environment every young woman ought to have when she makes these difficult decisions.

What is different about this is equating parental notification with parental consent. What this does is, fundamentally and legally, make it more difficult and unsafe for a young woman in a troubled family who believes she cannot involve a parent. She believes the only option left to her is to face a daunting court system.

A previous testifier said a judicial bypass takes a mere number of hours to access. The reality is, it could take as long as 32 days if you go through all of the steps listed in A.B. 405.

I also want to point out the burden this bill could put on the court system, especially since special procedures and confidentiality are required by the bill. It also provides that the young woman seeking court permission not to have to notify her parents, be appointed an attorney. This bill really needs a fiscal impact because it is going to have to set up a very special court system to handle these cases.

Every major medical and professional organization that has looked at this issue in terms of whether a young woman's health is being served by parental notification bills has come out against it. The American Academy of Pediatrics encourages minors to involve their parents. The American Medical Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association have all said that parental involvement on a general level is to be encouraged. These organizations have specifically found that these notifications do the exact opposite of what we hoped they would do—compelling minors to involve their parents whether or not they should undergo an abortion is counterproductive and harms young women.

There is a national consensus of these medical organizations believing that parental involvement statutes are not only detrimental to families, but are medically dangerous because they scare young women. They scare young women into thinking they do not have the fundamental right—which they do have under the Constitution—to seek medical care. They scare her into misunderstanding the availability of other means of what to do with an unintended pregnancy. They scare her into resorting to the pre-*Roe v. Wade* illegal abortions where women die, especially young women. The mortality rate of a teenager facing a pregnancy is five times that of an abortion. We do not want to endanger young women's health.

We know that around 65 percent of young women include at least one parent in their decisions. In every state with a parental involvement law, that percentage has not changed, even after the notification law was passed. Let us not make life more difficult for a young woman facing a very difficult decision. Remember the young women who are homeless, in foster care and those who feel they

would be in danger if they have to involve a parent. Let us not make it harder for them to have access to good, solid medical care.

Dawn Koonkongsatian (Nevada Teen Health & Safety Coalition):

I am a health care professional. I have been in the nursing field for more than 20 years. I am in opposition to A.B. 405 because of the sad cases I have seen in my work, and because of my own personal experience. I have submitted my written testimony ([Exhibit Y](#)).

Laura Deitsch:

I am a daughter, sexual assault survivor, a healthy and happy recipient of an abortion, sex education teacher, licensed mental health counselor and doctor of human sexuality. For those in favor of A.B. 405, can they honestly say they are totally in favor of abortion as long as parents are notified? Or, is this just a thinly veiled attempt to restrict access to abortion?

The confidentiality of a therapist is paramount to creating and maintaining rapport and healthy relationships in families. This bill seeks to legislate violating that confidentiality without any evidence that it is going to improve the parent-child relationship. Please oppose A.B. 405. I have submitted my written testimony ([Exhibit Z](#)).

Kelly Lynn Charles:

I speak to you today as a religious mother of a 17-year-old daughter. In Nevada, my daughter can legally consent to sex at age 16. She is deemed mature enough to make that decision. It stands to reason that she is also mature enough to deal with the long-term consequences should pregnancy occur. My daughter and I have an amazing relationship. She is strong, motivated and every day, she makes me proud to be her mother. She is not in an abusive or neglectful home and yet, I am not so naïve as to assume I would be on her initial list of people to talk to should she decide to end a pregnancy. Do I hope she would? Of course I do. What mother would not? However, to say that with 100 percent certainty that she would come to me is unrealistic.

As her mother, I would guess that her health care provider would be her first thought. She would then, most likely, weigh all her options and decide the best one for her. That is what I raised her to do.

As someone who lost a pregnancy to a miscarriage, I can imagine the loss felt through abortion. Do I want that for my daughter? No, but she has that right to access abortion, and she knows what is in her heart and what she can handle. It is her choice. The decision to exercise that choice is hers. You cannot legislate supportive or caring parents. You cannot legislate parent-child conversations.

My daughter also has the right to expect her doctor to follow privacy laws. She has a right to determine who has access to her medical decision. She has the right to allow her doctor to share information with the insurance company or me. She also has the right to expect her U.S. Constitution Fourth Amendment rights against unreasonable search or seizure to be upheld. It is not our job as mothers, parents or legislators to take away their rights, regardless of our feelings about them. It is not about what I want, and it is not about what other parents want. It is about maintaining privacy rights young teenage women already have when they make difficult decisions about abortion, decisions that they already have the right to make. I urge you to do the right thing and vote no on A.B. 405.

Robyn Mazy:

I come to you as a daughter, a mother and a sexual abuse survivor. I am a youth who could not talk to her parents, and I am a youth whose parents did not talk to her. I am not a rarity.

Assembly Bill 405 will not open up nonexistent lines of communication. Communication needs to have happened sooner. We need to talk to our kids early on to say, "I am here for you, you can come to me for anything, I will not ever betray you and I will not ever leave you, no matter what you do I will stand by you." I oppose A.B. 405 and have submitted my written testimony ([Exhibit AA](#)).

Jessica Winkle:

I am a member of the Nevada Public Health Alliance for Safety Access. I also volunteer for Northern Nevada HOPES and the ACLU of Nevada. I want to continue my education in public health. I am also a woman who decided to have an abortion as a teenager. I am here to oppose A.B. 405.

There is one misconception with the law—that a teenager who may not have parental support will not receive any other kind of support while she is deciding

whether to have an abortion. My experience of that was not true. I received tremendous support from the health care professionals at the clinic I attended. I was offered counselling and follow-up support services.

I did not suffer suicidal thoughts, depression or medical complications. I told my mother, but I did not tell my father because I was scared of what his actions would be. I believe many young women are scared to tell their parents, even if their parents are supportive and the discussion for sex education was always available. There is still a sense of humiliation that comes with talking about these things.

I believe teens who do not have the proper support will be fearful of going through a judicial bypass and instead, might turn to extreme measures. For example, if you Google "how to abort," the things that pop up are how to abort a child with a coat hanger, how to abort a child with pills, how to abort a child with alcohol, home remedies for abortion and how to abort yourself. If it is the consensus that teens do not have the capacity to think about long-term consequences, then we should not be naïve enough to try these extreme measures without the consequences that may follow.

Erin Miller:

I am a 17-year-old girl in opposition to A.B. 405. The topic of parental notification is very involved and incredibly nuanced. On the surface, it may seem to benefit minors. As a youth in Nevada, I would like you to take a deeper look. This bill has many problems including the health and safety of the minor involved and right of a pregnant person to her own body and health care decisions. In regard to health and safety, I would like to emphasize both the emotional and physical well-being of the minors involved.

This bill does not allow much consideration for families of nontraditional backgrounds. Take Kara, a 17-year-old girl living in Florida, a state that has passed similar legislation to A.B. 405. Her legal guardian was her mentally unstable mother. Kara lived in constant fear of being kicked out of her house should her mother find out she was pregnant. Being thrown out into the streets is contrary to proponents' arguments that this bill would protect the children.

Laws will not transform an unsafe home into a safe home and loving environment. If a young woman chooses not to tell her guardians about her pregnancy out of fear for her safety, she can go through a judicial bypass

process where a young woman could face another difficulty. If she encounters a judge with a different set of values, that judge could potentially deny her request for an abortion, forcing her to file an appeal. This entire process is time consuming. While abortion is an extremely safe procedure, more than 99 percent safe according to United States Centers for Disease Control and Prevention, it is safer the earlier it is provided.

Aside from the high safety levels, many abortions do not require surgery, but if a young woman is left with only a few options for safe and legal abortions, it is not hard to imagine she will seek out dangerous alternatives to end her pregnancy. Should A.B. 405 be passed, it would be infringing on the rights of minors to make their own decisions about their health.

In Nevada, minors are allowed to do certain things without their parental involvement. For example, minors can consent to their own medical examination and treatment. Minors can have children, including by cesarean section, without parental involvement. Forcing young women to notify their guardians of an abortion violates their body autonomies. When this type of legislation is discussed in the name of children, it is minor children who are left out of the conversation.

My statement today is a testament to the fact that our generation is not apathetic to the issues that impact us. We are not too ignorant to have an open and honest conversation with our doctors. We are not too naïve to understand the political conversations that are happening without us. Assembly Bill 405 is not just an idea. It will become a reality for other female minors and me. It will become an actively restrictive force that impacts all young women in Nevada. I urge you to hear our voices and consider the implications of passing this legislation for all the young women in Nevada.

Brooke Walker:

I am a family nurse practitioner in Northern Nevada. I have children and have been practicing for more than 30 years. We all want our children to be speaking with us. We all want to believe that if we have kids in trouble, that we will be there for them. Unfortunately, I see on a regular basis that this is not the case. We do not want to put children in the way of harm. I have provided my written testimony ([Exhibit BB](#)). Please oppose A.B. 405.

Rosie Winkle:

I am a volunteer at Northern Nevada HOPES, a student at Truckee Meadows Community College and a mother of a beautiful 2-year-old. I oppose A.B. 405. When I was 17, I was working on my own, supporting myself. I became pregnant and decided to take matters into my own hands because I did not have the money or support system.

I landed in the hospital with my body in toxic shock. For me to have emergency surgery, the hospital informed me there was a parental notification policy. I had to contact my father, but did not know where he was at the time. He drove hours from another state to sign a piece of paper and was not there to hold my hand when I woke up.

This bill ignores people who have those boundaries. I had so many boundaries as a homeless youth supporting myself. I cannot imagine reaching out to my father who, if I were forced to live with, would probably be abusive. Not everyone has access to healthy families that someone said would be willing to sit and hold their hands when they wake up.

Angie Sullivan:

I am an advocate for at-risk youth. I am always worried about things that will affect kids who do not have things most people think they should have.

As the daughter of a district court judge in the State, my father would often come home and say, "I talked to people today and I said to them, 'I do not love you; I do not love your children. I will make the best and the most fair decision that I can, but I really wish you would solve this for yourself.'" I cannot see why it makes sense to anyone that someone like my dad, even though he is a nice guy, a great dad and a great parent and father, would have any medical training or intervention training to make good decisions for young women. I also cannot see this issue being included on his calendar with felonies, murders and other crimes.

I wish we would respect young women and not involve people besides the medical professionals who are helping with these very personal and intimate decisions. This is so personal and each person has a unique set of circumstances as we have heard over and over today. It is very emotional for women. It is very stressful. I guess I see so clearly that there are people who need to be left out of this, and hopefully, the right people are involved.

However, if they are not, I do not think involving other people who are strangers in the process are going to help our young women, particularly our at-risk youth. I oppose A.B. 405.

Jessica Preston:

I am a 15-year-old high school student and oppose A.B. 405. I walk through the hallways in my school and I see so many girls struggling—with families who are homeless, with families who do not talk to them, with families who put all the responsibilities on them. If a child, a young woman, does not feel like talking to her parents about it, why should she be forced to? That notification will open a door that no girl should ever have to go through.

I have a friend who is sexually active who has said I can tell her story. She lives with an adoptive father, just she and her dad. She has said she would not feel comfortable talking to him about this. What is she going to do then? Go to the court? There is no way, with the embarrassment of talking to the court, the pain of having to do that. More than likely, it would be too late by the time she gets the nerve to talk to them.

Why are we trying to put these girls in danger of their parents, and of embarrassment? I understand that parents deserve the right to know, but if they were really true, loving parents that care for their child that much, they would already be aware of the situation. Their child would have already talked to them.

If the child does not feel safe or comfortable talking to her parents about this, why are we forcing her to? Why are we forcing these girls to be scared? Just for a notice? The homeless population would go up with girls kicked out of their houses and onto the streets. I know too many people that are couch surfing right now. They do not know where they are going to sleep or whose houses they are going to stay at, and they do not have contact with their parents.

I oppose this bill because I feel that my friends should not have to deal with an embarrassment and that danger of knowing what could happen.

Bonnie Preston:

I am an educator here in Carson City and I oppose A.B. 405. The age of consent for sex in Nevada is 16. All the parents who have arrived here today are involved parents, so if their children were involved in sexual activity, chances are they would be aware of that. We have a 2-year gap between the

right of a child to be able to have sex in Nevada and yet, because she was under 18, she would still have to have parental notification for an abortion.

In Nevada, you do not have to have an attorney to get a divorce. Therefore, many of the divorces are done by the parent and the custody is settled between the parents. When you are asking a child to go to court or to an attorney, which is likely something they have never been involved in, who is going to incur those fees?

Parents can be divorced and settle custody themselves, or many times simply by abandonment. We have a drug issue in America and in Nevada. If a parent has abandoned the marriage or the child due to drug use, locating that parent can be very difficult.

We are dealing with many generations raising children. Grandparents raising that child might be dealing with religious issues, so what if they refuse notification and say no to the abortion, because they do not want their grandchild to go through with it? You might be dealing with different generations or someone who is not the parent. We are also dealing with the age of consent for sexual activity or for procedures—privacy issues for these girls that do not need to be shared with everyone.

A foster parent shared testimony, so now the entire foster care system would have paperwork on this notification in all of that person's records. There are severe layers of privacy that we are dealing with.

I understand there is a large homeless population in Las Vegas. Here in Carson City, population 54,522, the kindergarten through Grade 12 school system reports a 19 percent homeless student population. We have 19 percent of our youth who are not in school and thus vulnerable to these types of activities. These are the kids who slip through the cracks.

Laws are to protect and serve and they should protect and serve everyone, including the disenfranchised, homeless and people not in contact with their biological parents or those who do not have this good family relationship.

Several of my daughter's friends have come and talked to me, but I would not be able to sign their notification, even though they can come to me as a parent and talk to me. We do want parents to be involved. As it was brought up, there

is nothing stopping children from telling their parents if that avenue is open to them. This law is meant to protect those that do not have that avenue open to them. Those are the ones we need to protect.

Chair Hardy:

That concludes our testimony. Are there questions from the Committee?

Senator Spearman:

Three people who testified spoke about a fiscal note. Reality tells us that not every home is perfect. Is there anything in A.B. 405 that would provide communication training? As a former pastoral counsellor, I know that people usually resist that sort of thing, but if we are speaking of a communication gap, is there funding to provide that training?

Ms. Cafferata:

We did provide some fiscal notes ([Exhibit CC](#)), based upon conversations that we have had with affiliates in other states that do provide a parental notification process. There is nothing in A.B. 405 that would provide the training needed in the courts, although the bill does require the Supreme Court to set up the procedures needed to fulfill the requirements of the bill. There is no funding, which is why we have asked for a fiscal note several times.

We find in other states that have this procedure, as high as 80 percent of court personnel are not aware that the procedure exists when a young person calls to inquire about the procedure. Court personnel may tell the young woman they do not do the procedure and recommend she talk to her parents, or they may not be able to direct her to an attorney, which is guaranteed under A.B. 405.

Ms. Spinazola:

The ACLU of Illinois has a judicial bypass project with a full-time legal coordinator and a full-time case manager costing \$150,000 annually to help with that state's parental notification law. The young women who are involved in these cases are typically homeless, without cell phones and difficult to access, so there tend to be a lot of case management and expenses that are not envisioned by the bill. All the expenses will fall on the counties per the express language in the bill.

Ms. England:

To answer Senator Spearman, there would also be an additional fiscal impact creating the appropriate places in the clerk's office at each judicial district. For example, in the Eighth Judicial District, which is Clark County, everything is electronically filed, so there would have to be an entire system created to allow the confidentiality of these proceedings, which would be completely outside the regular system.

Each layer of the court system—the judicial court, the appellate court and the Supreme Court—would require a system of confidential proceedings to comply with the bill. That would be a rather large process for the clerk's office in each judicial district.

Chair Hardy:

The only fiscal note I saw when I researched this bill was from the Division of Public and Behavioral Health. The courts did not have a fiscal note.

Senator Spearman:

Is there currently a process or would this create a process whereby either a family court or district court could make these decisions within hours instead of months? My second question is if a judge through the judicial bypass process does not agree with the young woman for religious reasons, what is the recourse?

Mr. Powers:

I want to emphasize for the record that the LCB Legal Division is a nonpartisan legal agency. We do not urge or oppose any particular type of legislation, we only provide the Legislature with legal counsel and advice dealing with the consequences, effects and legal constitutionality of legislation.

With regard to your two questions, Senator Spearman, one of the purposes of the legislation, A.B. 405, is to address the errors or flaws in the prior legislation that did not have a specific time line for the federal district court and the Ninth Circuit Court of Appeals to rely upon for striking down the facial validity of the existing notification statutes.

This bill was drafted to address those particular constitutional issues, and so there are specific time lines in the bill for the district court to act. If a district court were to fail to act or to deny the abortion to the minor, then there is a

process for expedited appeal. Thus, those time lines are set forth in the particular legislation, A.B. 405. I believe that addresses your two questions: one, based on the time line; and two, based on any reason the judge were to deny the abortion, whether it be for religious reasons or any other reason. If the district court judge were to deny it, there is a process for appeal in the legislation with specific time lines for that appeal.

Ms. Spinazola:

If I may add a response to your question in the review of the judicial bypass decisions that were denied by a judge, typically appellate courts and supreme courts will defer to trial court judges based on the facts. A trial court judge has the facts in front of him or her, so it is difficult to overturn a trial court judge unless there is an erroneous question of law. We do see many of those trial court decisions denying judicial bypass upheld by appellate courts and supreme courts.

Senator Spearman:

I know what is in the bill, but I am asking if there is a safety net for the young lady in case things do not happen as timely as this this legislation states? What happens if the courts cannot accommodate the young girls in the time lines of cases in judicial districts that do not have family courts?

Mr. Powers:

From a facial standpoint, Assembly Bill 405 only has specific time lines and the belief that the court system will pursue those time lines as diligently and with as much due diligence as anyone would expect of the court system. The U.S. Supreme Court has stated there is no reason to doubt that a state judicial system would not pursue these matters with all due diligence and expediency, and so the Supreme Court has upheld these as far as facial validity because of that belief that the judicial system would carry out its duties as we expect it to.

Chair Hardy:

I think what he is trying to say is that we do not want to take the Supreme Court to court.

Senator Spearman:

What if things happen? I understand the facial piece; I want to know the consequences of the what-ifs.

Senator Lipparelli:

I would like Mr. Powers to answer the following question: on page 10 of A.B. 405, section 16, subsection 2, what are the judicial standards the court would use to determine competence, i.e., whether the minor is informed? Are they defined in the bill?

My second question is what is meant in section 16, subsection section 3, where it states, "The district court may take into evidence on the record of any other facts or circumstances that may be relevant"? What boundaries can the court lean upon for its judgment in either granting or not granting the petition?

Mr. Powers:

Referring to section 16, subsection 2 sets the standards for whether or not the judge will determine to permit the abortion without parental notification. Subsection 2 provides that the judge take evidence on the two factors listed there. Those two factors are the ones the U.S. Supreme Court has found are necessary for this type of parental notification law. Specifically, it provides that the two standards are that if the court finds the pregnant woman is sufficiently mature and well informed to be capable of making that decision without parental notification, then the woman has the right to have that abortion without the parental notification.

The second standard is regardless of whether the woman is sufficiently mature or well informed; the court has to grant the authorization if it is in the best interest of the pregnant minor. The best-interest standard is so the court can take into consideration whether there is abuse, homelessness or other factors that would come into play, so it would be in the best interest to allow the pregnant minor to have that abortion without the parental notification.

Section 16, subsection 3 is to emphasize that the court is not limited to taking evidence on only these two factors. The court may take any other additional evidence that may be helpful or relevant in making that determination. That would allow the court to factor in family life, home life, circumstances of where they live and their economic situation. The point of subsection 3 is to allow the court to take in all those factors in the consideration of making this determination.

Senator Lipparelli:

How do these other factors come into evidence if this is a private hearing? What other mechanism can the court avail itself to introduce other evidence? Is that only testimony provided by the petitioner?

Mr. Powers:

The only party participating in this hearing would be the petitioner, who is the pregnant minor, plus counsel. She has a right to counsel, so if she requests counsel, the court will appoint counsel.

The court also has the ability under section 15 of A.B. 405, which allows the court to appoint a special advocate. Those individuals would be entitled under the legislation to assist a pregnant woman to present her case before the judge. Those professionals would be able to assist the pregnant woman in presenting that additional evidence.

However, as it was mentioned, there is no opposing party in these proceedings; it is essentially an ex parte proceeding between the pregnant woman, her counsel and special advocate, and the court. There is no opposing party. The court takes the evidence and makes its determination. If the court rules in favor of the pregnant woman and authorizes the abortion, there is no right to appeal beyond that. That is a final order, and the woman then has the entitlement to use that court order to obtain the abortion. If the district court denies the authorization for the abortion, then the woman has the right to appeal and that is an expedited appeal.

Senator Lipparelli:

Assembly Bill 405 addresses the confidentiality of the filing. Is this the equivalent of a sealed record or would that be a different type of court record?

Mr. Powers:

This is the equivalent of a sealed record plus. One of the requirements the U.S. Supreme Court has laid down is that the name of the petitioning minor must remain anonymous. The goal of section 14 is to ensure that not only is the record confidential, and only the people involved in the proceeding—the minor, her representatives and the court—are involved and have access to it, but that the minor's name remains anonymous throughout the proceeding. Only initials are used on the initial petition and any sort of docketing matter that identifies the case must only have the initials of the petitioner. Therefore, this is

confidentiality under a sealed record, and that additional step to maintain the anonymous nature of the pregnant woman is ensured. I would consider that sealed plus.

Senator Lipparelli:

As a last question, it does not mention anything about normal course destruction of the records in A. B. 405. Does that come under the natural order of the court's procedures, or is there some procedure by which these records are destroyed after a period of time?

Mr. Powers:

There is no specific provision in A.B. 405 dealing with the destruction of these records. The confidentiality has to be maintained in perpetuity, but if the court has a system for destroying or preserving its court records, that system would be what exists and is in place. This bill would not alter that system at all.

Theresa DeGraffenreid:

I just want to bring a different sort of look at A.B. 405, a bill I support. I want to share a story about my high school friend and her experience with abortion. I have submitted my testimony in writing ([Exhibit DD](#)).

Chair Hardy:

We will close the hearing on A.B. 405 after we hear from the sponsor of the bill.

Assemblyman Hansen:

The first thing I want to do is to ask your permission to ask Mr. Powers to address the constitutional question. At least one witness has stated that this is unconstitutional, and I would like to get a formal opinion, on the record.

Mr. Powers:

We at LCB do not oppose or support any particular piece of legislation; however, we are tasked with drafting legislation in a constitutional manner.

We reviewed all U.S. Supreme Court precedents in regards to parental notification laws. We also reviewed all the cases and precedents from the Ninth Circuit Court of Appeals. That federal court of appeals has some of the most stringent requirements for these types of parental notification laws. Based on all that caselaw, we drafted this legislation to ensure that it would be

constitutionally defensible and, therefore, it is the opinion of this office that this bill, A.B. 405, would withstand constitutional scrutiny, even under the most stringent standards of the Ninth Circuit Court of Appeals.

Assemblyman Hansen:

Most of the testimony that was presented in opposition to A.B. 405, dealt with anecdotal and hypothetical possibilities, increased back-alley abortions, increased violence and increased homelessness. Yet no one addressed the fact that 38 states have had these laws on the books for almost four decades. You and I, as Legislators, know well that we are highly sensitive to those types of issues. In all these other states, if these terrible consequences had occurred, you would not see those laws stay on the books for decades. In reality, this has been extremely successful in preventing those kinds of things.

Another thing I think was somewhat missed in testimony and only touched upon in neutral testimony is this: for most of these young ladies, they obviously have boyfriends involved in these circumstances. Statistics show overwhelmingly that those boyfriends tend to pressure the young ladies into the decision to have an abortion and deliberately bypass parents in these decisions.

Parents, when they are notified, will act as a buffer to that. In fact, parents will act to protect the best interests of their daughter where typically, the boyfriend is more interested in getting himself out of a mess he has gotten himself into.

The psychological and perhaps medical consequences of that abortion fall disproportionately upon the minor girl, who should, in fact, be at least allowed to notify her parents so that they can, hopefully, act as a check in this unfortunate equation that exists.

The American College of Obstetricians and Gynecologists has no position regarding parental knowledge for minors seeking an abortion and certainly does not recommend providing access to an abortion without parental knowledge. All of the examples that you heard given that supposedly all these medical associations oppose this, are at least 20 years old and no cases have been brought since.

I would urge this Committee to look at the long-term consequences in those other states when deciding how to vote on A. B. 405. This issue would pass with the parents and people in our communities—71 percent are for parental

consent, a much higher standard than parental notification. Only 27 percent of people polled by Gallup indicated they would oppose parental consent. It is a safe bet to imagine that number would increase substantially for parental notification.

Politically, physically and psychologically, it is in the best interests of these minors and it is our responsibility to pass A. B. 405 and give parents an opportunity to be involved in these very serious medical and yes, psychological decisions that can impact these young ladies for years and protect them in so many cases from abusive, predatory males.

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Chair Hardy:

I will now close the hearing on A.B. 405 and open for public comment. Seeing no further comment, we will adjourn this meeting at 5:11 p.m.

RESPECTFULLY SUBMITTED:

Debra Burns,
Committee Secretary

APPROVED BY:

Senator Joe P. Hardy, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	30		Attendance Roster
A.B. 199	C	7	Assemblywoman Irene Bustamante-Adams	Written Testimony
A.B. 5	D	3	Assemblywoman Teresa Benitez-Thompson	Department of Justice Reaches Landmark American With Disabilities Act Settlement Agreement with Rhode Island
A.B. 5	E	1	Assemblywoman Teresa Benitez-Thompson	Conceptual Amendment
A.B. 5	F	1	Assemblywoman Teresa Benitez-Thompson	Written Testimony
A.B. 5	G	1	Jane Gruner / Aging and Disability Services Division	Written Testimony
A.B. 5	H	1	Sherry Manning / Nevada Governor's Council on Developmental Disabilities	Written Testimony
A.B. 5	I	1	Stephen Schumacher	Written Testimony
A.B. 405	J	3	Assemblyman Ira Hansen	Statement in Support from Scott Fischbach, Minnesota Citizens Concerned for Life Testimony in Support
A.B. 405	K	2	Assemblyman Ira Hansen	Facts for Families
A.B. 405	L	3	Assemblyman Ira Hansen	Utah's Parental Involvement Law: Minor's Access to Abortion
A.B. 405	M	2	Assemblyman Ira Hansen	Written Testimony
A.B. 405	N	5	Assemblyman Ira Hansen	Don Nelson Written Testimony and attached story
A.B. 405	O	1	Jessica Bridges	Written Testimony

A.B. 405	P	3	Jessica Bridges	National Right to Life Letter
A.B. 405	Q	2	Lisa Mayo-DeRiso / Power2Parent	Written Testimony
A.B. 405	R	1	Erin Phillips	Written Testimony
A.B. 405	S	2	Elisa Cafferata / Nevada Advocates for Planned Parenthood Affiliates, Inc.	NAPPA Article
A.B. 405	T	1	Elisa Cafferata / Nevada Advocates for Planned Parenthood Affiliates, Inc.	NAPPA Article
A.B. 405	U	1	Elisa Cafferata / Nevada Advocates for Planned Parenthood Affiliates, Inc.	NAPPA Article
A.B. 405	V	2	Elisa Cafferata / Nevada Advocates for Planned Parenthood Affiliates, Inc.	Written Testimony
A.B. 405	W	2	Kristy Oriol / Nevada Network Against Domestic Violence	Written Testimony
A.B. 405	X	8	Vanessa Spinazola / ACLU of Nevada	Written Testimony
A.B. 405	Y	2	Dawn Koonkongsatian	Written Testimony
A.B. 405	Z	2	Laura Deitsch	Written Testimony
A.B. 405	AA	1	Robyn Mazy	Written Testimony
A.B. 405	BB	1	Brooke Walker	Written Testimony
A.B. 405	CC	4	Elisa Cafferata / Nevada Advocates for Planned Parenthood Affiliates, Inc.	Fiscal notes
A.B. 405	DD	1	Theresa DeGraffenreid	Written Testimony