



REPRODUCTIVE PRIVACY ACT

Website: <http://leginfo.ca.gov/>

Effective January 1, 2003: Health and Safety Code 123460

The Reproductive Privacy Act (**Health and Safety Code 123460 et seq**) provides that every individual possesses a fundamental right to privacy with respect to reproductive decisions, including (A) the fundamental right to choose or refuse birth control, and (B) the fundamental right to choose to bear children or obtain an abortion. This new law provides that the state shall not deny or interfere with woman's fundamental right to choose to bear a child or obtain an abortion prior to viability of the fetus, as defined, or when necessary to protect her life and health.

Business and Professions Code section 2253 permits a person to assist in performing a surgical abortion if he or she has a license that authorizes the performance of such activity.

The BRN's interpretation is that the registered nurse, certified nurse practitioner, or certified nurse-midwife may perform the nursing functions necessary to assist with a surgical abortion.

Business and Professions Code section 2253 permits a person to perform or assist in performing the functions necessary for a nonsurgical abortion if he or she has a license that authorizes the performance of such activity.

The BRN's interpretation is that the registered nurse may perform or assist in performing the functions necessary for a nonsurgical abortion including medication administration and patient teaching.

The nurse practitioner or nurse-midwife may perform or assist in performing functions necessary for nonsurgical abortion by furnishing or ordering medications in accord with his or her approved standardized procedures.

The Reproductive Privacy Act includes the following definitions:

"Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the producing of a live birth.

"Pregnancy" means the human reproductive process, beginning with the implantation of an embryo.

"State" means the State of California, and every county, city, town and municipal corporation, and quasi-municipal corporation in the state.

"Viability" means the point in a pregnancy when, in the good faith medical judgment of a physician, on the particular facts of the case before that physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

The performance of an abortion is unauthorized if either of the following is true:

- The person performing or assisting in performing the abortion is not a health care provider authorized to perform or assist in performing an abortion pursuant to Section 2253 of the Business and Professions Code.
- The abortion is performed on a viable fetus, and both of the following are established.
 - In the good faith medical judgment of the physician, the fetus was viable.
 - In the good faith medical judgment of the physician, continuation of the pregnancy posed no risk to life or health of the pregnant woman.