

Informed consent is the right to accept or refuse a medical procedure based on reasonable, medically-accurate and non-misleading facts. Informed consent serves two main objectives: to acquire a patient’s consent, and for doctors to disclose such information to patients as will enable them to participate knowledgeably in making decisions about treatment.”

In *Planned Parenthood v. Casey* (1992), the U.S. Supreme Court affirmed three principles central to the constitutionality of informed consent laws, such that:

- the state has an interest in fetal life from the moment of conception;
- the state could prefer childbirth over abortion; and
- the **state could enact regulations to ensure that a woman’s choice was “thoughtful and informed”**. (*Casey* at 916)

These principles, the court argued, were consistent both with doctor-patient medical privacy and a woman’s “reproductive” rights. Furthermore, the Court argued that **neither the state’s attempts to dissuade a woman from abortion, nor the state’s mandate that a specific body of information be given** to a woman, invalidated a state’s informed consent law.

“In attempting to ensure that a woman apprehend the full consequences of her decision, the State furthers the legitimate purpose of reducing the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed.” (*Casey* at 882)

Over the past 30 to 40 years, courts have established that patients have the right to **full** information. The standard of disclosure has shifted from what a “reasonable” doctor might disclose to what a “reasonable or prudent” patient or person deserves to know about a procedure. Elective procedures (for example induced abortion) require a greater degree of disclosure than emergency procedures.

The fully informed consent depends on three aspects of medical consent:

1. How well informed is the patient?
2. Is the patient fully competent, at that moment, to make such a major decision?
3. To what extent is consent given voluntarily?

In the abortion context, none of these can be taken for granted.