

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1125

By: Webb

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-738, which relates to certain attending physician report form; requiring additional information; providing exception; adding fine assessment authority; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-738, is amended to read as follows:

Section 1-738. A. ~~The Department shall adopt a form which shall be completed by each~~ Any attending physician who performs or induces an abortion shall file a report with the Oklahoma State Department of Health on a form which shall include all medical facts pertinent to the procedure and which shall allow the woman and her physician to volunteer other personal facts for statistical public health purposes. The attending physician shall include in the abortion report any information regarding the circumstances surrounding the known death of any woman who dies within ninety (90) days of the abortion procedure. This abortion report shall also contain the following information about any consent form required by law:

1. Was the consent form signed?

2. Who signed the consent form? The patient, her parents, guardian, or a court?

3. If the consent is waived, what are the reasons? Forcible rape, incest or a medical necessity to save the life of the mother?

~~The Department shall be responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom.~~

B. The Department shall make available to all licensed physicians abortion report forms and ~~complication report forms~~ shall be responsible for collating and evaluating all data gathered therefrom.

C. The report shall be confidential and shall not contain the name of the woman, physician or location of origin.

D. Any person who has been determined by the Department to have performed or induced an abortion without filing the report required by this section may be liable for an administrative fine of up to Five Hundred Dollars (\$500.00) per occurrence. The Department may assess the fine after a hearing under the Administrative Procedures Act. The order assessing a fine may be appealed as any other administrative order in an individual proceeding. The Department may seek to recover the fine in small claims court.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.