

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 2001

By: Laughlin of the Senate

and

Blackwell of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2001, Section 1-738, which relates to
12 abortion; creating the Statistical Reporting of
13 Abortion Act; providing short title; defining term;
14 providing for the State Department of Health to make
15 an Individual Abortion Form, an Annual Abortion
16 Report; and a Complications of Induced Abortion
17 Report on its web site; specifying content;
18 specifying time in which reports are due; requiring
19 certain public reports; specifying time in which
20 public reports shall be filed; providing for
21 enforcement of reporting requirements; requiring
22 notification of all newly licensed physicians of
23 reporting requirements; providing for penalties;
24 providing for confidentiality; amending Section 13,
Chapter 200, O.S.L. 2005, as last amended by Section
7, Chapter 161, O.S.L. 2007 (63 O.S. Supp. 2007,
Section 1-740.3), which relates to judicial
authorization of abortion without parental
notification; requiring the Administrative Office of
the Courts to submit certain statistical information
to the State Department of Health; specifying date on
which information is due; providing for codification;
and providing an effective date.

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

2 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-738, is
3 amended to read as follows:

4 Section 1-738. ~~A. The Department shall adopt a form which~~
5 ~~shall be completed by each attending physician who performs or~~
6 ~~induces an abortion which shall include all medical facts pertinent~~
7 ~~to the procedure and which shall allow the woman and her physician~~
8 ~~to volunteer other personal facts for statistical public health~~
9 ~~purposes. This abortion report shall also contain the following~~
10 ~~information about any consent form required by law:~~

11 ~~1. Was the consent form signed?~~

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

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

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

19 ~~B. The Department shall make available to all licensed~~
20 ~~physicians abortion report forms and complication report forms.~~

21 ~~C. The report shall be confidential and This act shall not~~
22 ~~contain the name of the woman be known and may be cited as the~~
23 ~~"Statistical Reporting of Abortion Act".~~

24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-738a of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. As used in the Statistical Reporting of Abortion Act,
5 "abortion" means the term as defined in section 1-730 of Title 63 of
6 the Oklahoma Statutes.

7 B. By March 1, 2009, the State Department of Health shall make
8 available, on its stable Internet web site, an Individual Abortion
9 Form as required by Section 3 of this act, a form for an Annual
10 Abortion Report as required by Section 4 of this act, and a form for
11 a Complications of Induced Abortion Report as required by Section 5
12 of this act.

13 C. By March 1, 2009, the State Department of Health shall, on
14 its stable internet website, provide the language of the Statistical
15 Reporting of Abortion Act. The Department shall also, by March 1,
16 2009, provide, on its stable Internet web site, the means by which
17 physicians may electronically submit the reports required by the
18 Statistical Reporting of Abortion Act. The Department shall include
19 instructions on its stable Internet web site regarding electronic
20 submission.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-738b of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. Any physician performing abortions shall fully complete and
2 submit, electronically, an Individual Abortion Form to the
3 Department of Health within thirty (30) days of performing an
4 abortion.

5 B. The Department shall post a copy of the Statistical
6 Reporting of Abortion Act with the Individual Abortion Form on its
7 stable Internet web site. Nothing in the Individual Abortion Form
8 shall contain the name, address, or any other identifying
9 information of any patient. The Department's Individual Abortion
10 Form need not be in any specific format. However, the Department's
11 Individual Abortion Form shall require, but not be limited to, the
12 following information:

- 13 1. The date the abortion is performed;
- 14 2. The age, marital status, and race of the mother;
- 15 3. The number of years of education of the mother;
- 16 4. The state of residence, county of residence, and ZIP code of
17 the mother;
- 18 5. The total number of previous pregnancies of the mother, and
19 of those, how many resulted in live births and how many resulted in
20 an abortion, and of those resulting in abortion, how many were
21 spontaneous, and how many were induced;
- 22 6. The approximate gestational age, in weeks as measured from
23 the last menstrual period of the mother, of the unborn child subject
24 to abortion;

- 1 7. The method of abortion used;
- 2 8. Whether the abortion resulted in an infant being born alive
- 3 and, if so, whether life-sustaining measures were taken, and how
- 4 long the infant survived;
- 5 9. Whether anesthesia was administered to the mother and, if
- 6 so, what type;
- 7 10. Whether anesthesia was administered to the unborn child
- 8 and, if so, what type and how it was administered;
- 9 11. The method of fetal tissue disposal;
- 10 12. The reason(s) for the abortion;
- 11 13. The complication(s) of the abortion;
- 12 14. The method of payment;
- 13 15. The type of medical health coverage;
- 14 16. The sum of fee(s) collected;
- 15 17. The physician's specialty area of medicine;
- 16 18. Whether ultrasound equipment was used before, during, or
- 17 after the performance of the abortion (specify percentage for each
- 18 that applies);
- 19 19. Whether the information required by paragraph 1 of
- 20 subsection B of Section 1-738.2 of Title 63 of the Oklahoma Statutes
- 21 was provided to the mother, and if so, whether it was provided in
- 22 person or by telephone, whether it was provided by a referring
- 23 physician, the physician performing the abortion, or an agent of
- 24 either;

1 20. Whether the information required by paragraph 2 of
2 subsection B of Section 1-738.2 of Title 63 of the Oklahoma Statutes
3 was provided to the mother, and if so, whether it was provided in
4 person or by telephone, whether it was provided by a referring
5 physician, the physician performing the abortion, or an agent of
6 either;

7 21. Whether the mother availed herself of the opportunity to
8 view the printed materials described in Section 1-738.3 of Title 63
9 of the Oklahoma Statutes, and if so, whether she obtained the
10 information by mail or on the Internet;

11 22. In the case of a minor, the minor's age;

12 23. Whether a minor's parent was provided notice and whether
13 the attending physician secured the written informed consent of one
14 parent as required by Section 1-740.2 of Title 63 of the Oklahoma
15 Statutes, and:

16 a. if notice was provided, whether the notice was
17 provided personally or by mail, and

18 b. if written informed consent was secured, whether the
19 consent was secured in person or by some other method
20 (specify other method, if applicable);

21 24. If no notice was provided nor consent obtained, whether the
22 minor was emancipated;

23

24

1 25. If no notice was provided nor consent obtained, whether the
2 minor was suffering from a medical emergency as defined in Section
3 1-738.1 of Title 63 of the Oklahoma Statutes;

4 26. If no notice was provided nor consent obtained, whether the
5 minor received judicial authorization to obtain the abortion without
6 parental notice and consent;

7 27. If the minor received judicial authorization to obtain the
8 abortion without notice and consent, whether the judge ruled that
9 the abortion was in the best interest of the minor or whether the
10 judge ruled the minor was mature enough to give informed consent on
11 her own; and

12 28. The signature and license number of the physician who
13 performed the abortion.

14 C. Individual Abortion Form.

15 Individual Abortion Form

16 (TO BE COMPLETED FOR EACH ABORTION PERFORMED)

17 1. Date of Abortion _____

18 2. Age of Mother _____

19 3. Marital Status of Mother _____

20 (married, divorced, separated, widowed, or never married)

21 4. Race of Mother _____

22 5. Years of Education _____

23 (specify highest year completed)

24 6. State, County and Zip Code of Residence _____

- 1 7. Total Number of Previous Pregnancies _____
- 2 Live Births: Now Living _____ Now Deceased _____
- 3 Previous Abortions: Spontaneous _____ Induced _____
- 4 8. Approximate gestational age in weeks, as measured from the last
- 5 menstrual period of the mother, of the unborn child subject to
- 6 abortion _____
- 7 9. Method of abortion used:
- 8 Suction Aspiration _____
- 9 Dilation and Curettage _____
- 10 RU 486 _____
- 11 Methotrexate _____
- 12 Dilation and Evacuation _____
- 13 Salt Poisoning _____
- 14 Urea _____
- 15 Prostaglandins _____
- 16 Partial Birth Abortion _____
- 17 Hysterotomy _____
- 18 Other (specify) _____
- 19 10. Was there a live infant as a result of the abortion? _____
- 20 a. If yes, were life-sustaining measures taken?
- 21 _____
- 22 b. How long did the infant survive? _____
- 23 11. Type of anesthetic administered to mother _____
- 24 12. Was anesthesia administered to the fetus? _____

- 1 a. If yes, what type? _____
- 2 b. How was it administered? _____
- 3 13. Method of fetal tissue disposal _____
- 4 14. Reason for abortion (check all applicable):
- 5 Mother cannot afford the child _____
- 6 Mother does not want the child _____
- 7 Emotional health of the mother is at risk _____
- 8 Mother suffered from a medical emergency as defined in Section
- 9 1-738.1 of Title 63 of the Oklahoma Statutes _____
- 10 Mother wanted a child of a different sex _____
- 11 Avert the death of the mother _____
- 12 Pregnancy was a result of forcible rape _____
- 13 Pregnancy was a result of incest _____
- 14 Other (specify) _____
- 15 15. Complication(s) of Abortion:
- 16 _____
- 17 _____
- 18 _____
- 19 (Please be advised that any complication(s) must also be detailed in
- 20 a "Complications of Induced Abortion Report" and submitted to the
- 21 Department as soon as is practicable after the encounter with the
- 22 induced-abortion-related illness or injury, but in no case more than
- 23 sixty (60) days after such an encounter)
- 24 16. Method of payment (check one):

- 1 Private insurance _____
- 2 Public health plan _____
- 3 Medicaid _____
- 4 Other (specify) _____.
- 5 17. Type of medical health coverage (check one):
- 6 Fee-for-service insurance company _____
- 7 Managed care company _____
- 8 Other (specify) _____
- 9 18. Sum of fee(s) collected _____
- 10 19. Specialty area of medicine of the physician _____
- 11 _____
- 12 20. Was ultrasound equipment used before, during, or after the
- 13 performance of this abortion? (if yes, specify percentage for
- 14 each that applies) _____
- 15 21. Was the information required by paragraph 1 of subsection B of
- 16 Section 1-738.2 of Title 63 of the Oklahoma Statutes provided
- 17 to the mother? _____
- 18 a. If yes, was it provided in person or by telephone?
- 19 _____
- 20 b. Was it provided by a referring physician, the
- 21 physician performing the abortion, or an agent of
- 22 either? _____
- 23
- 24

1 22. Was the information required by paragraph 2 of subsection B of
2 Section 1-738.2 of Title 63 of the Oklahoma Statutes provided
3 to the mother? _____

4 a. If yes, was it provided in person or by telephone?
5 _____

6 b. Was it provided by a referring physician, the
7 physician performing the abortion, or an agent of
8 either? _____

9 23. Did the mother avail herself of the opportunity to view the
10 printed materials described in Section 1-738.3 of Title 63 of
11 the Oklahoma Statutes? _____

12 a. If yes, did she obtain the information by mail or on
13 the internet? _____

14 THIS PORTION TO BE COMPLETED IN CASE OF MINOR

15 24. Minor's age _____

16 25. Was a parent of the minor provided notice as described in
17 Section 1-740.2 of Title 63 of the Oklahoma Statutes? _____

18 a. If yes, how was the notice provided?

19 In person _____

20 By mail _____

21 26. Was informed written consent of one parent obtained as
22 described in Section 1-740.2 of Title 63 of the Oklahoma
23 Statutes? _____

24

1 27. If no notice was provided nor consent obtained, please indicate
2 which of the following apply:

3 Minor was emancipated _____

4 Abortion was necessary to prevent the death of the minor _____

5 Medical emergency, as defined in Section 1-738.1 of Title 63 of
6 the Oklahoma Statutes, existed _____

7 Minor received judicial authorization to obtain abortion
8 without parental notice or consent _____

9 28. If the minor received judicial authorization to obtain an
10 abortion without parental notice, please indicate which of the
11 following applies:

12 Judge ruled that minor was mature enough to give informed
13 consent on her own _____

14 Judge ruled that abortion was in the best interest of the minor
15 _____

16 Signed this ____ day of _____, ____ by:

17 _____

18 (Signature of physician)

19 _____

20 (Physician's license number)

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-738c of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. Annual Abortion Report. By March 1, 2009, the State
2 Department of Health shall prepare and make available on its stable
3 Internet web site the form for the Annual Abortion Report. A copy
4 of the Statistical Reporting of Abortion Act shall also be posted on
5 the web site. Physicians performing abortions shall complete and
6 electronically submit the Annual Abortion Report to the Department
7 no later than April 1 for the previous calendar year. Physicians
8 shall attach and transmit all Individual Abortion Forms from the
9 previous calendar year with each Annual Abortion Report submitted.
10 Nothing in the Annual Abortion Report shall contain the name,
11 address, or any other identifying information of any patient. The
12 Annual Abortion Report shall require, but not be limited to, the
13 following information:

14 1. Whether the physician performing an induced abortion has
15 been subject to license revocation or suspension or other
16 professional sanction in this or any other jurisdiction;

17 2. The number of induced abortions performed in the previous
18 calendar year, broken down by month;

19 3. The number of abortions performed by suction aspiration,
20 suction curettage, sharp curettage, RU-486, methotrexate, dilation
21 and evacuation, salt poisoning, urea, Prostaglandins, partial birth
22 abortion, hysterotomy, or other (specify);

23 4. The number of abortions performed because:

24 a. the mother cannot afford the child,

- b. the mother does not want the child,
- c. the emotional health of the mother is at risk,
- d. the mother suffers from a medical emergency, as defined in Section 1-738.1 of Title 63 of the Oklahoma Statutes,
- e. the mother wanted a child of a different sex,
- f. the pregnancy was a result of forcible rape,
- g. the pregnancy was a result of incest,
- h. it was necessary to avert the death of the mother, or
- i. other (please specify);

5. The number of abortions paid for by:

- a. private insurance,
- b. public health plan, or
- c. other (please specify);

6. The number of abortions in which coverage was under:

- a. a fee-for-service insurance company,
- b. a managed care company, or
- c. other (please specify);

7. The number of abortions in which anesthesia was administered to the mother, and the number in which anesthesia was administered to the fetus;

8. Specialty area of medicine of the physician;

1 9. The percentage of abortions, if any, in which ultrasound
2 equipment was used before, during, or after the abortion (specify
3 percentage for each that applies);

4 10. The number of abortions resulting in complications, and of
5 those, how many the physician treated, and how many were transferred
6 to another facility for treatment;

7 11. The number of abortions resulting in the death of the
8 mother;

9 12. The number of females to whom the physician provided the
10 information in subparagraph a of paragraph 1 of subsection B of
11 Section 1-738.2 of Title 63 of the Oklahoma Statutes; of that
12 number, the number provided by telephone and the number provided in
13 person; and of each of those numbers, the number provided in the
14 capacity of a referring physician and the number provided in the
15 capacity of a physician who is to perform the abortion;

16 13. The number of females to whom the physician or an agent of
17 the physician provided the information in paragraph 2 of subsection
18 B of Section 1-738.2 of Title 63 of the Oklahoma Statutes; of that
19 number, the number provided by telephone and the number provided in
20 person; of each of those numbers, the number provided in the
21 capacity of a referring physician and the number provided in the
22 capacity of a physician who is to perform the abortion; and of each
23 of those numbers, the number provided by the physician and the
24 number provided by an agent of the physician;

1 14. The number of females who availed themselves of the
2 opportunity to obtain a copy of the printed information described in
3 Section 1-738.3 of Title 63 of the Oklahoma Statutes, and the number
4 who did not; and of each of those numbers, the number who, to the
5 best of the reporting physician's information and belief, obtained
6 the abortion;

7 15. The number of abortions performed by the physician in which
8 information otherwise required to be provided at least twenty-four
9 (24) hours before the abortion was not so provided because an
10 immediate abortion was necessary to avert the death of the female,
11 and the number of abortions in which such information was not so
12 provided because a delay would create serious risk of substantial
13 and irreversible impairment of a major bodily function;

14 16. The number of females to a parent of whom the physician
15 provided notice as required by Section 1-740.2 of Title 63 of the
16 Oklahoma Statutes; of that number, the number provided personally as
17 described in that section, and the number provided by mail as
18 described in that section, and of each of those numbers, the number
19 of females who, to the best of the information and belief of the
20 reporting physician, went on to obtain the abortion;

21 17. The number of females upon whom the physician performed an
22 abortion without the notice to or consent of the parent of the minor
23 required by Section 1-740.2 of Title 63 of the Oklahoma Statutes; of
24

1 that number, the number who were emancipated minors and the number
2 who suffered from a medical emergency;

3 18. The number of abortions performed by the physician after
4 receiving judicial authorization to do so without parental notice
5 and consent;

6 19. The number of judicial authorizations granted because of a
7 finding the minor girl was mature and capable of giving informed
8 consent;

9 20. The number of judicial authorizations granted because of a
10 finding the performance of the abortion without parental
11 notification and consent was in the best interest of the minor; and

12 21. The signature and license number of the physician
13 submitting the Annual Abortion Report.

14 B. The Department shall ensure that the appropriate form for
15 the Annual Abortion Report described in this section together with a
16 reprint of the Statistical Reporting of Abortion Act, are provided
17 on its stable Internet web site. The Department's report need not
18 be in this format. The report shall include, but not be limited to,
19 the following information:

20 Annual Abortion Report

21 Part I

22 1. Name of physician performing abortions and filing this Annual
23 Abortion Report and his/her specialty field of medical practice.

24 _____

1 _____

2 2. Calendar year for which this Annual Abortion Report is being
3 filed. _____

4 3. Address and telephone number of abortion facility (or
5 facilities) where physician performs abortions.

6 _____

7 _____

8 4. List of professional sanctions, if any, in this or other
9 jurisdiction against physician performing abortions and filing
10 this report (license revocation, suspension or other).

11 _____

12 _____

13 PART II

14 1. Total number of abortions performed for calendar year for which
15 this Annual Abortion Report is being filed. _____

16 2. Breakdown of the total number of abortions performed by month.

17 January _____

18 February _____

19 March _____

20 April _____

21 May _____

22 June _____

23 July _____

24 August _____

1 September _____
2 October _____
3 November _____
4 December _____
5 3. Abortions performed by number:
6 Suction Aspiration _____
7 Dilation and Curettage _____
8 RU 486 _____
9 Methotrexate _____
10 Dilation and Evacuation _____
11 Salt Poisoning _____
12 Urea _____
13 Prostaglandins _____
14 Partial Birth Abortion _____
15 Hysterotomy _____
16 Other (specify) _____
17 4. Abortions performed because:
18 Mother cannot afford the child _____
19 Mother does not want the child _____
20 Emotional health of mother is at risk _____
21 Mother suffers from a medical emergency, as defined in Section
22 1-738.1 of Title 63 of the Oklahoma Statutes _____
23 Mother wanted child of a different sex _____
24 It was necessary to avert the death of the mother _____

- 1 Pregnancy was a result of forcible rape _____
- 2 Pregnancy was a result of incest _____
- 3 Other (specify) _____
- 4 5. Abortions paid for by:
- 5 Private insurance _____
- 6 Public health plan _____
- 7 Medicaid _____
- 8 Other (specify) _____
- 9 6. Abortions covered by:
- 10 Fee-for-service insurance company _____
- 11 Managed care company _____
- 12 Other (specify) _____
- 13 7. Number of abortions in which anesthesia was administered to
- 14 mother _____
- 15 Number of abortions in which anesthesia was administered to
- 16 fetus _____
- 17 8. Percentage of abortions, if any, in which ultrasound equipment
- 18 was used before, during, or after the abortion (specify
- 19 percentage for each that applies) _____
- 20 9. Number of abortions resulting in complications _____
- 21 Of those complications, how many did you treat? _____
- 22 Of those complications, how many patients were transferred to
- 23 another facility for treatment? _____
- 24 10. Number of abortions resulting in death of mother _____

1 11. Number of females who were provided the information in
2 subparagraph a of paragraph 1 of subsection B of Section 1-
3 738.2 of Title 63 of the Oklahoma Statutes by:

4 Telephone _____
5 In person _____
6 Referring physician _____
7 Agent of referring physician _____
8 Physician performing abortion _____
9 Agent of physician performing abortion _____

10 12. Number of females provided the information in paragraph 2 of
11 subsection B of Section 1-738.2 of Title 63 of the Oklahoma
12 Statutes by:

13 Telephone _____
14 In person _____
15 Referring physician _____
16 Agent of referring physician _____
17 Physician performing abortion _____
18 Agent of physician performing abortion _____

19 13. Printed Information. Number of females who availed themselves
20 of the opportunity to obtain a copy of the printed information
21 described in Section 1-738.3 of Title 63 of the Oklahoma
22 Statutes _____
23 Of this number, to your best information and belief, how many
24 went on to obtain an abortion? _____

1 14. Number who did not avail themselves of the opportunity to
2 obtain a copy of the printed information described in Section
3 1-738.3 of Title 63 of the Oklahoma Statutes _____

4 Of this number, to your best information and belief, how many
5 went on to obtain an abortion? _____

6 15. Number of abortions performed in which information otherwise
7 required to be provided at least twenty-four (24) hours before
8 the abortion was not so provided because an immediate abortion
9 was necessary to avert the death of the female _____

10 16. Number of abortions in which such information was not so
11 provided because a medical emergency, as defined in Section 1-
12 738.1 of Title 63 of the Oklahoma Statutes, existed _____

13 17. Abortions performed upon minors:

14 Number of abortions performed upon minors _____

15 Number of minors whose parent was provided notice and whose
16 consent was obtained as described in Section 1-740.2 of Title
17 63 of the Oklahoma Statutes _____

18 Of that number, the number provided notice personally
19 _____

20 To your best information and belief, how many went on to obtain
21 the abortion? _____

22 Of that number, the number provided notice by mail _____

23 To your best information and belief, how many went on to obtain
24 the abortion? _____

1 18. Number of females upon whom the physician performed an abortion
2 without providing notice to or obtaining the consent of the
3 parent of the minor _____

4 Of that number:

5 a. Number of emancipated minors _____

6 b. Number of minors upon whom the physician performed an
7 abortion without notice to or obtaining the consent of
8 the parent of the minor because the abortion was
9 necessary to prevent the death of the minor
10 _____

11 c. Number of minors upon whom the physician performed an
12 abortion without notice to or obtaining the consent of
13 the parent of the minor because a medical emergency,
14 as defined in Section 1-738.1 of Title 63 of the
15 Oklahoma Statutes, existed _____

16 19. Number of abortions performed by the physician after receiving
17 judicial authorization to do so without parental notice or
18 consent _____

19 a. How many were authorized because the judge ruled the
20 minor was mature enough to waive the notice and
21 consent requirement? _____

22 b. How many were authorized because an abortion was in
23 the best interest of the minor? _____

24 Signed this _____ day of _____, _____, by:

1 _____

2 (Signature of physician)

3 _____

4 (License number of physician)

5 Pursuant to Section 5 of the Statistical Reporting of Abortion Act,
6 all Individual Abortion Forms submitted from the previous calendar
7 year shall also be submitted with this Annual Abortion Report.

8 SECTION 5. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-738d of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Complications of Induced Abortion Report. By March 1, 2009,
12 the State Department of Health shall prepare and make available, on
13 its stable Internet web site, a Complications of Induced Abortion
14 Report for all physicians licensed and practicing in the State of
15 Oklahoma. A copy of this act shall also be readily accessible, on
16 the Department's stable Internet web site, to any physician
17 obtaining the Complications of Induced Abortion Report.

18 B. Any physician practicing in Oklahoma who encounters an
19 illness or injury that is related to an induced abortion shall
20 complete and submit, electronically or by regular mail, a
21 Complications of Induced Abortion Report to the Department as soon
22 as is practicable after the encounter with the abortion-related
23 illness or injury, but in no case more than sixty (60) days after
24 such an encounter. Nothing in the Complications of Induced Abortion

1 Report shall contain the name, address, or any other identifying
2 information of any patient. Unacceptable delay or failure to submit
3 a Complications of Induced Abortion Report shall be sanctioned
4 according to the provisions of the Statistical Reporting of Abortion
5 Act.

6 C. The Complications of Induced Abortion Report form need not
7 be in any particular format. However, the Department's form shall
8 require, but not be limited to, the following information:

9 1. The name and specialty field of medical practice of the
10 physician filing the report;

11 2. The name, address, and telephone number of the health care
12 facility where the induced abortion complication was discovered and
13 treated;

14 3. The date on which the complication was discovered and
15 treated;

16 4. The date and location of the facility where the abortion was
17 performed, if known;

18 5. The age of the patient experiencing the complication;

19 6. A description of the complication(s) resulting from the
20 induced abortion;

21 7. Type of follow-up care recommended, and whether the
22 physician filing the Complications of Induced Abortion Report will
23 be providing such follow-up care (if not, the name of the medical
24 professional who will, if known); and

1 8. Signature and license number of physician filing the
2 Complications of Induced Abortion Report.

3 D. Complications of Induced Abortion Report.

4 Complications of Induced Abortion Report

5 1. Name of physician filing this report and specialty field of
6 medical practice.

7 _____

8 _____

9 2. Name, address, and telephone number of health care facility
10 where complication of induced abortion was discovered and
11 treated.

12 _____

13 _____

14 3. Date on which complication was discovered and treated.

15 _____

16 4. Date on which abortion was performed, if known.

17 _____

18 5. Facility in which abortion was performed, if known.

19 _____

20 _____

21 6. Age of patient experiencing complication(s). _____

22 Description of complication(s). _____

23 _____

24 _____

1 7. Type of follow-up care recommended and whether physician filing
2 this Complications of Induced Abortion Report will be providing
3 such follow-up care (if not, provide name of medical
4 professional who will, if known). _____
5 _____

6 Signed this _____ day of _____, _____, by:
7 (date) (month) (year)

8 _____
9 (Signature of physician)

10 _____
11 (License number of physician)

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-738e of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Department shall ensure that the reporting forms
16 described in the Statistical Reporting of Abortion Act and the
17 language of the Statistical Reporting of Abortion Act are posted on
18 its stable Internet web site by March 1, 2009.

19 B. The Department shall notify each physician who subsequently
20 becomes newly licensed to practice in this state, at the same time
21 as an official notification to that physician that the physician is
22 so licensed, of the requirements of the Statistical Reporting of
23 Abortion Act.

24

1 C. Reports that are not submitted by the end of a grace period
2 of thirty (30) days following the due date shall be subject to a
3 late fee of Five Hundred Dollars (\$500.00) for each additional
4 thirty-day period the reports are overdue. Any monies collected
5 under this subsection shall be deposited into an account created
6 within the Department, which shall be used for the administration of
7 the Statistical Reporting of Abortion Act. Any physician required
8 to report in accordance with the Statistical Reporting of Abortion
9 Act who has not submitted a report, or has submitted only an
10 incomplete report, more than one (1) year following the due date
11 shall be precluded from renewing his or her license until such fines
12 are paid in full and outstanding reports are submitted.

13 D. Anyone who knowingly or recklessly fails to submit an
14 Individual Abortion Form, Annual Abortion Report, or Complications
15 of Induced Abortion Report, or submits false information under the
16 Statistical Reporting of Abortion Act, shall be guilty of a
17 misdemeanor.

18 E. The Department may take reasonable steps to ensure
19 observance of the Statistical Reporting of Abortion Act and to
20 verify data submitted, including, but not limited to, inspection of
21 places where induced abortions are performed in accordance with
22 relevant statutes.

23 F. By July 30 of each year the Department shall issue, on its
24 stable Internet web site, a public report providing statistics for

1 the previous calendar year compiled from all of the reports covering
2 that year submitted in accordance with this act. The Department's
3 public report shall not contain the name, address, or any other
4 identifying information of any individual female, and shall take
5 care to ensure that none of the information included in its public
6 report could reasonably lead to the identification of any individual
7 female about whom information is reported in accordance with this
8 act or of any physician providing information in accordance with
9 this act. Nor shall such information be subject to an open records
10 request.

11 G. The Department's public report required by subsection F of
12 this section shall also include statistics which shall be obtained
13 by the Administrative Office of the Courts giving the total number
14 of petitions or motions filed under Section 1-740.3 of Title 63 of
15 the Oklahoma Statutes, and of that number the number in which the
16 court appointed a guardian ad litem; the number in which the court
17 appointed counsel; the number in which the judge issued an order
18 authorizing an abortion without notice to or obtaining consent of a
19 parent, and of that number, the number in which the judge ruled the
20 minor was mature enough to make an informed decision without a
21 parent, and the number in which the judge determined an abortion
22 would be in the best interest of the minor; the number in which the
23 judge denied such an order, and of the last, the number of denials
24 for which an appeal was filed; the number of such appeals that

1 resulted in the denials being affirmed; and the number of such
2 appeals that resulted in reversals of such denials.

3 H. The Department's public report shall also provide statistics
4 for all previous calendar years, adjusted to reflect any additional
5 information from late or corrected reports.

6 I. The Department may by rule promulgated in accordance with
7 the Administrative Procedures Act alter the dates established by
8 this section to achieve administrative convenience or fiscal savings
9 or to reduce the burden of reporting requirements, so long as
10 reporting forms are made available, on its stable Internet web site,
11 to all licensed physicians in the state, and the report described in
12 this section is issued at least once every year.

13 J. If the Department fails to issue the public report required
14 by the Statistical Reporting of Abortion Act, an action pursuant to
15 Chapter 26 of Title 12 of the Oklahoma Statutes may be initiated.

16 SECTION 7. AMENDATORY Section 13, Chapter 200, O.S.L.
17 2005, as last amended by Section 7, Chapter 161, O.S.L. 2007 (63
18 O.S. Supp. 2007, Section 1-740.3), is amended to read as follows:

19 Section 1-740.3 A. If a pregnant unemancipated minor elects
20 not to allow the notification of and request for written informed
21 consent of her parent, any judge of a court of competent
22 jurisdiction shall, upon petition or motion, and after an
23 appropriate hearing, authorize a physician to perform the abortion
24 if the judge determines, by clear and convincing evidence, that the

1 pregnant unemancipated minor is mature and capable of giving
2 informed consent to the proposed abortion. If the judge determines
3 that the pregnant unemancipated minor is not mature, or if the
4 pregnant unemancipated minor does not claim to be mature, the judge
5 shall determine, by clear and convincing evidence, whether the
6 performance of an abortion upon her without notification and written
7 informed consent of her parent would be in her best interest and
8 shall authorize a physician to perform the abortion without
9 notification and written informed consent if the judge concludes
10 that the best interests of the pregnant unemancipated minor would be
11 served thereby.

12 B. If the unemancipated minor, upon whom a medical emergency
13 abortion or an abortion to prevent her death was performed, elects
14 not to allow the notification of her parent, any judge of a court of
15 competent jurisdiction shall, upon petition or motion and after an
16 appropriate hearing, authorize the waiving of the required notice of
17 the performed abortion if the judge determines, by clear and
18 convincing evidence, that the unemancipated minor is mature and
19 capable of determining whether notification should be given, or that
20 the waiver would be in the best interest of the unemancipated minor.

21 C. A pregnant unemancipated minor may participate in
22 proceedings in the court on her own behalf, and the court may
23 appoint a guardian ad litem for her. The court shall advise the
24

1 pregnant unemancipated minor that she has a right to court-appointed
2 counsel and, upon her request, shall provide her with counsel.

3 D. Proceedings in the court under this section shall be
4 confidential and shall be given precedence over other pending
5 matters so that the court may reach a decision promptly and without
6 delay so as to serve the best interests of the pregnant
7 unemancipated minor. A judge of the court who conducts proceedings
8 under this section shall make, in writing, specific factual findings
9 and legal conclusions supporting the decision and shall order a
10 record of the evidence to be maintained, including the findings and
11 conclusions of the court.

12 E. An expedited confidential appeal shall be available to any
13 pregnant unemancipated minor for whom the court denies an order
14 authorizing an abortion without notification and written informed
15 consent of one parent. An order authorizing an abortion without
16 notification and written informed consent of one parent shall not be
17 subject to appeal. No filing fees shall be required of any pregnant
18 unemancipated minor at either the trial or the appellate level.
19 Access to the trial court for the purpose of a petition or motion,
20 and access to the appellate courts for the purpose of making an
21 appeal from the denial of same, shall be afforded a pregnant
22 unemancipated minor twenty-four (24) hours a day, seven (7) days a
23 week.

24

1 F. By March 1, 2009, the Administrative Office of the Courts
2 shall compile statistics, including the total number, in each
3 county, of petitions or motions filed pursuant to subsection A of
4 this section, and of that number:

5 1. The total number of such petitions or motions filed where a
6 guardian ad litem or other person acting in such capacity was
7 requested and the number in which a guardian ad litem or other
8 person acting in such capacity was appointed;

9 2. The total number of such petitions or motions filed in which
10 court-appointed counsel was appointed;

11 3. The total number in which the judge issued an order
12 authorizing an abortion without notice and consent, and of those:

13 a. the number authorized due to a determination by the
14 judge that the minor was mature enough to make an
15 informed decision without notice to or obtaining
16 consent of a parent, and

17 b. the number authorized due to a determination by the
18 judge that an abortion was in the best interest of the
19 minor; and

20 4. The number in which the judge denied authorizing an abortion
21 and the number of those denials for which an appeal was filed, the
22 number of those appeals that resulted in the denials being affirmed,
23 and the number of those appeals that resulted in reversals of such
24 denials.

1 G. The Administrative Office of the Courts shall annually
2 submit the statistical information required by subsection F of this
3 section to the State Department of Health no later than June 30 for
4 the preceding year. The statistical information required by
5 subsection F of this section shall not contain the name, address, or
6 any other identifying information of any individual female.

7 SECTION 8. This act shall become effective November 1, 2008.

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9 51-2-11076 SD 04/10/08

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