

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB2001 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Doug Cox

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 2001

By: Laughlin of the Senate

and

6 Johnson (Dennis),  
7 Sullivan, Blackwell and  
8 Tibbs of the House

9  
10 FLOOR SUBSTITUTE

11 An Act relating to public health and safety; amending  
12 63 O.S. 2001, Section 1-738, which relates to  
13 abortion; creating the Statistical Reporting of  
14 Abortion Act; providing short title; defining term;  
15 providing for the State Department of Health to make  
16 an Individual Abortion Form, an Annual Abortion  
17 Report; and a Complications of Induced Abortion  
18 Report on its web site; specifying content;  
19 specifying time in which reports are due; requiring  
20 certain public reports; specifying time in which  
21 public reports shall be filed; providing for  
22 enforcement of reporting requirements; requiring  
23 notification of all newly licensed physicians of  
24 reporting requirements; providing for penalties;  
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. The Department shall ensure that its provisions for  
21 electronic submission guarantee the security and confidentiality of  
22 all records so submitted.

23  
24

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

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

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

- 16 1. The date the abortion is performed;
- 17 2. The age, marital status, and race of the mother;
- 18 3. The number of years of education of the mother;
- 19 4. The state of residence, county of residence, and ZIP code of  
20 the mother;
- 21 5. The total number of previous pregnancies of the mother, and  
22 of those, how many resulted in live births and how many resulted in  
23 an abortion, and of those resulting in abortion, how many were  
24 spontaneous, and how many were induced;

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

1 person or by telephone, whether it was provided by a referring  
2 physician, the physician performing the abortion, or an agent of  
3 either;

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

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

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

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

19 a. if notice was provided, whether the notice was  
20 provided personally or by mail, and

21 b. if written informed consent was secured, whether the  
22 consent was secured in person or by some other method  
23 (specify other method, if applicable);

24

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

3 25. If no notice was provided nor consent obtained, whether the  
4 minor was suffering from a medical emergency as defined in Section  
5 1-738.1 of Title 63 of the Oklahoma Statutes;

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

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

14 28. The signature and license number of the physician who  
15 performed the abortion.

16 C. Individual Abortion Form.

17 Individual Abortion Form

18 (TO BE COMPLETED FOR EACH ABORTION PERFORMED. EACH ITEM TO BE  
19 COMPLETED IF INFORMATION IS KNOWN TO THE PHYSICIAN )

20 1. Date of Abortion \_\_\_\_\_

21 2. Age of Mother \_\_\_\_\_

22 3. Marital Status of Mother \_\_\_\_\_

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

24 4. Race of Mother \_\_\_\_\_

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

- 1           b. How long did the infant survive? \_\_\_\_\_
- 2 11. Type of anesthetic administered to mother \_\_\_\_\_
- 3 12. Was anesthesia administered to the fetus? \_\_\_\_\_
- 4       a. If yes, what type? \_\_\_\_\_
- 5       b. How was it administered? \_\_\_\_\_
- 6 13. Method of fetal tissue disposal \_\_\_\_\_
- 7 14. Reason for abortion (check all applicable):
- 8       Mother cannot afford the child \_\_\_\_\_
- 9       Mother does not want the child \_\_\_\_\_
- 10       Emotional health of the mother is at risk \_\_\_\_\_
- 11       Mother suffered from a medical emergency as defined in Section
- 12       1-738.1 of Title 63 of the Oklahoma Statutes \_\_\_\_\_
- 13       Mother wanted a child of a different sex \_\_\_\_\_
- 14       Avert the death of the mother \_\_\_\_\_
- 15       Pregnancy was a result of forcible rape \_\_\_\_\_
- 16       Pregnancy was a result of incest \_\_\_\_\_
- 17       Other (specify) \_\_\_\_\_
- 18 15. Complication(s) of Abortion:
- 19 \_\_\_\_\_
- 20 \_\_\_\_\_
- 21 \_\_\_\_\_
- 22 (Please be advised that any complication(s) must also be detailed in
- 23 a "Complications of Induced Abortion Report" and submitted to the
- 24 Department as soon as is practicable after the encounter with the

1 induced-abortion-related illness or injury, but in no case more than  
2 sixty (60) days after such an encounter)

3 16. Method of payment (check one):

4 Private insurance \_\_\_\_\_

5 Public health plan \_\_\_\_\_

6 Medicaid \_\_\_\_\_

7 Other (specify) \_\_\_\_\_.

8 17. Type of medical health coverage (check one):

9 Fee-for-service insurance company \_\_\_\_\_

10 Managed care company \_\_\_\_\_

11 Other (specify) \_\_\_\_\_

12 18. Sum of fee(s) collected \_\_\_\_\_

13 19. Specialty area of medicine of the physician \_\_\_\_\_

14 \_\_\_\_\_

15 20. Was ultrasound equipment used before, during, or after the  
16 performance of this abortion? (if yes, specify percentage for  
17 each that applies) \_\_\_\_\_

18 21. Was the information required by paragraph 1 of subsection B of  
19 Section 1-738.2 of Title 63 of the Oklahoma Statutes provided  
20 to the mother? \_\_\_\_\_

21 a. If yes, was it provided in person or by telephone?

22 \_\_\_\_\_

23

24

1           b. Was it provided by a referring physician, the  
2           physician performing the abortion, or an agent of  
3           either? \_\_\_\_\_

4 22. Was the information required by paragraph 2 of subsection B of  
5       Section 1-738.2 of Title 63 of the Oklahoma Statutes provided  
6       to the mother? \_\_\_\_\_

7           a. If yes, was it provided in person or by telephone?  
8           \_\_\_\_\_

9           b. Was it provided by a referring physician, the  
10          physician performing the abortion, or an agent of  
11          either? \_\_\_\_\_

12 23. Did the mother avail herself of the opportunity to view the  
13       printed materials described in Section 1-738.3 of Title 63 of  
14       the Oklahoma Statutes? \_\_\_\_\_

15          a. If yes, did she obtain the information by mail or on  
16          the internet? \_\_\_\_\_

17                   THIS PORTION TO BE COMPLETED IN CASE OF MINOR

18 24. Minor's age \_\_\_\_\_

19 25. Was a parent of the minor provided notice as described in  
20       Section 1-740.2 of Title 63 of the Oklahoma Statutes? \_\_\_\_\_

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

22               In person \_\_\_\_\_

23               By mail \_\_\_\_\_

24

1 26. Was informed written consent of one parent obtained as  
2 described in Section 1-740.2 of Title 63 of the Oklahoma  
3 Statutes? \_\_\_\_\_

4 27. If no notice was provided nor consent obtained, please indicate  
5 which of the following apply:  
6 Minor was emancipated \_\_\_\_\_  
7 Abortion was necessary to prevent the death of the minor \_\_\_\_\_  
8 Medical emergency, as defined in Section 1-738.1 of Title 63 of  
9 the Oklahoma Statutes, existed \_\_\_\_\_  
10 Minor received judicial authorization to obtain abortion  
11 without parental notice or consent \_\_\_\_\_

12 28. If the minor received judicial authorization to obtain an  
13 abortion without parental notice, please indicate which of the  
14 following applies:  
15 Judge ruled that minor was mature enough to give informed  
16 consent on her own \_\_\_\_\_  
17 Judge ruled that abortion was in the best interest of the minor  
18 \_\_\_\_\_

19 Signed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by:  
20 \_\_\_\_\_  
21 (Signature of physician)  
22 \_\_\_\_\_  
23 (Physician's license number)  
24

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

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

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

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

22           3. The number of abortions performed by suction aspiration,  
23 suction curettage, sharp curettage, RU-486, methotrexate, dilation  
24

1 and evacuation, salt poisoning, urea, Prostaglandins, partial birth  
2 abortion, hysterotomy, or other (specify);

3 4. The number of abortions performed because:

4 a. the mother cannot afford the child,

5 b. the mother does not want the child,

6 c. the emotional health of the mother is at risk,

7 d. the mother suffers from a medical emergency, as

8 defined in Section 1-738.1 of Title 63 of the Oklahoma  
9 Statutes,

10 e. the mother wanted a child of a different sex,

11 f. the pregnancy was a result of forcible rape,

12 g. the pregnancy was a result of incest,

13 h. it was necessary to avert the death of the mother, or

14 i. other (please specify);

15 5. The number of abortions paid for by:

16 a. private insurance,

17 b. public health plan, or

18 c. other (please specify);

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

20 a. a fee-for-service insurance company,

21 b. a managed care company, or

22 c. other (please specify);

23

24

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

4           8. Specialty area of medicine of the physician;

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

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

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

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

20           13. The number of females to whom the physician or an agent of  
21 the physician provided the information in paragraph 2 of subsection  
22 B of Section 1-738.2 of Title 63 of the Oklahoma Statutes; of that  
23 number, the number provided by telephone and the number provided in  
24 person; of each of those numbers, the number provided in the

1 capacity of a referring physician and the number provided in the  
2 capacity of a physician who is to perform the abortion; and of each  
3 of those numbers, the number provided by the physician and the  
4 number provided by an agent of the physician;

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

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

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

1 17. The number of females upon whom the physician performed an  
2 abortion without the notice to or consent of the parent of the minor  
3 required by Section 1-740.2 of Title 63 of the Oklahoma Statutes; of  
4 that number, the number who were emancipated minors and the number  
5 who suffered from a medical emergency;

6 18. The number of abortions performed by the physician after  
7 receiving judicial authorization to do so without parental notice  
8 and consent;

9 19. The number of judicial authorizations granted because of a  
10 finding the minor girl was mature and capable of giving informed  
11 consent;

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

15 21. The signature and license number of the physician  
16 submitting the Annual Abortion Report.

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

23 Annual Abortion Report

24 Part I

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

3 \_\_\_\_\_  
4 \_\_\_\_\_

5 2. Calendar year for which this Annual Abortion Report is being  
6 filed. \_\_\_\_\_

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

9 \_\_\_\_\_  
10 \_\_\_\_\_

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

14 \_\_\_\_\_  
15 \_\_\_\_\_

16 PART II

17 1. Total number of abortions performed for calendar year for which  
18 this Annual Abortion Report is being filed. \_\_\_\_\_

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

20 January \_\_\_\_\_

21 February \_\_\_\_\_

22 March \_\_\_\_\_

23 April \_\_\_\_\_

24 May \_\_\_\_\_

1 June \_\_\_\_\_  
2 July \_\_\_\_\_  
3 August \_\_\_\_\_  
4 September \_\_\_\_\_  
5 October \_\_\_\_\_  
6 November \_\_\_\_\_  
7 December \_\_\_\_\_  
8 3. Abortions performed by number:  
9 Suction Aspiration \_\_\_\_\_  
10 Dilation and Curettage \_\_\_\_\_  
11 RU 486 \_\_\_\_\_  
12 Methotrexate \_\_\_\_\_  
13 Dilation and Evacuation \_\_\_\_\_  
14 Salt Poisoning \_\_\_\_\_  
15 Urea \_\_\_\_\_  
16 Prostaglandins \_\_\_\_\_  
17 Partial Birth Abortion \_\_\_\_\_  
18 Hysterotomy \_\_\_\_\_  
19 Other (specify) \_\_\_\_\_  
20 4. Abortions performed because:  
21 Mother cannot afford the child \_\_\_\_\_  
22 Mother does not want the child \_\_\_\_\_  
23 Emotional health of mother is at risk \_\_\_\_\_  
24

- 1 Mother suffers from a medical emergency, as defined in Section  
2 1-738.1 of Title 63 of the Oklahoma Statutes \_\_\_\_\_  
3 Mother wanted child of a different sex \_\_\_\_\_  
4 It was necessary to avert the death of the mother \_\_\_\_\_  
5 Pregnancy was a result of forcible rape \_\_\_\_\_  
6 Pregnancy was a result of incest \_\_\_\_\_  
7 Other (specify) \_\_\_\_\_
- 8 5. Abortions paid for by:  
9 Private insurance \_\_\_\_\_  
10 Public health plan \_\_\_\_\_  
11 Medicaid \_\_\_\_\_  
12 Other (specify) \_\_\_\_\_
- 13 6. Abortions covered by:  
14 Fee-for-service insurance company \_\_\_\_\_  
15 Managed care company \_\_\_\_\_  
16 Other (specify) \_\_\_\_\_
- 17 7. Number of abortions in which anesthesia was administered to  
18 mother \_\_\_\_\_  
19 Number of abortions in which anesthesia was administered to  
20 fetus \_\_\_\_\_
- 21 8. Percentage of abortions, if any, in which ultrasound equipment  
22 was used before, during, or after the abortion (specify  
23 percentage for each that applies) \_\_\_\_\_
- 24 9. Number of abortions resulting in complications \_\_\_\_\_

1 Of those complications, how many did you treat? \_\_\_\_\_  
2 Of those complications, how many patients were transferred to  
3 another facility for treatment? \_\_\_\_\_  
4 10. Number of abortions resulting in death of mother \_\_\_\_\_  
5 11. Number of females who were provided the information in  
6 subparagraph a of paragraph 1 of subsection B of Section 1-  
7 738.2 of Title 63 of the Oklahoma Statutes by:  
8 Telephone \_\_\_\_\_  
9 In person \_\_\_\_\_  
10 Referring physician \_\_\_\_\_  
11 Agent of referring physician \_\_\_\_\_  
12 Physician performing abortion \_\_\_\_\_  
13 Agent of physician performing abortion \_\_\_\_\_  
14 12. Number of females provided the information in paragraph 2 of  
15 subsection B of Section 1-738.2 of Title 63 of the Oklahoma  
16 Statutes by:  
17 Telephone \_\_\_\_\_  
18 In person \_\_\_\_\_  
19 Referring physician \_\_\_\_\_  
20 Agent of referring physician \_\_\_\_\_  
21 Physician performing abortion \_\_\_\_\_  
22 Agent of physician performing abortion \_\_\_\_\_  
23 13. Printed Information. Number of females who availed themselves  
24 of the opportunity to obtain a copy of the printed information

1 described in Section 1-738.3 of Title 63 of the Oklahoma  
2 Statutes \_\_\_\_\_

3 Of this number, to your best information and belief, how many  
4 went on to obtain an abortion? \_\_\_\_\_

5 14. Number who did not avail themselves of the opportunity to  
6 obtain a copy of the printed information described in Section  
7 1-738.3 of Title 63 of the Oklahoma Statutes \_\_\_\_\_

8 Of this number, to your best information and belief, how many  
9 went on to obtain an abortion? \_\_\_\_\_

10 15. Number of abortions performed in which information otherwise  
11 required to be provided at least twenty-four (24) hours before  
12 the abortion was not so provided because an immediate abortion  
13 was necessary to avert the death of the female \_\_\_\_\_

14 16. Number of abortions in which such information was not so  
15 provided because a medical emergency, as defined in Section 1-  
16 738.1 of Title 63 of the Oklahoma Statutes, existed \_\_\_\_\_

17 17. Abortions performed upon minors:

18 Number of abortions performed upon minors \_\_\_\_\_

19 Number of minors whose parent was provided notice and whose  
20 consent was obtained as described in Section 1-740.2 of Title  
21 63 of the Oklahoma Statutes \_\_\_\_\_

22 Of that number, the number provided notice personally

23 \_\_\_\_\_  
24

1 To your best information and belief, how many went on to obtain  
2 the abortion? \_\_\_\_\_

3 Of that number, the number provided notice by mail \_\_\_\_\_

4 To your best information and belief, how many went on to obtain  
5 the abortion? \_\_\_\_\_

6 18. Number of females upon whom the physician performed an abortion  
7 without providing notice to or obtaining the consent of the  
8 parent of the minor \_\_\_\_\_

9 Of that number:

10 a. Number of emancipated minors \_\_\_\_\_

11 b. 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 the abortion was  
14 necessary to prevent the death of the minor

15 \_\_\_\_\_  
16 c. Number of minors upon whom the physician performed an  
17 abortion without notice to or obtaining the consent of  
18 the parent of the minor because a medical emergency,  
19 as defined in Section 1-738.1 of Title 63 of the  
20 Oklahoma Statutes, existed \_\_\_\_\_

21 19. Number of abortions performed by the physician after receiving  
22 judicial authorization to do so without parental notice or  
23 consent \_\_\_\_\_  
24

1 a. How many were authorized because the judge ruled the  
2 minor was mature enough to waive the notice and  
3 consent requirement? \_\_\_\_\_

4 b. How many were authorized because an abortion was in  
5 the best interest of the minor? \_\_\_\_\_

6 Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by:

7 \_\_\_\_\_

8 (Signature of physician)

9 \_\_\_\_\_

10 (License number of physician)

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

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

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

1 B. Any physician practicing in Oklahoma who encounters an  
2 illness or injury that is related to an induced abortion shall  
3 complete and submit, electronically or by regular mail, a  
4 Complications of Induced Abortion Report to the Department as soon  
5 as is practicable after the encounter with the abortion-related  
6 illness or injury, but in no case more than sixty (60) days after  
7 such an encounter. Nothing in the Complications of Induced Abortion  
8 Report shall contain the name, address, or any other identifying  
9 information of any patient. Unacceptable delay or failure to submit  
10 a Complications of Induced Abortion Report shall be sanctioned  
11 according to the provisions of the Statistical Reporting of Abortion  
12 Act.

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

16 1. The name and specialty field of medical practice of the  
17 physician filing the report;

18 2. The name, address, and telephone number of the health care  
19 facility where the induced abortion complication was discovered and  
20 treated;

21 3. The date on which the complication was discovered and  
22 treated;

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

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

2 6. A description of the complication(s) resulting from the  
3 induced abortion;

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

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

10 D. Complications of Induced Abortion Report.

11 Complications of Induced Abortion Report

12 1. Name of physician filing this report and specialty field of  
13 medical practice.

14 \_\_\_\_\_

15 \_\_\_\_\_

16 2. Name, address, and telephone number of health care facility  
17 where complication of induced abortion was discovered and  
18 treated.

19 \_\_\_\_\_

20 \_\_\_\_\_

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

22 \_\_\_\_\_

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

24 \_\_\_\_\_

1 5. Facility in which abortion was performed, if known.  
2 \_\_\_\_\_  
3 \_\_\_\_\_

4 6. Age of patient experiencing complication(s). \_\_\_\_\_  
5 Description of complication(s). \_\_\_\_\_  
6 \_\_\_\_\_

7 7. Type of follow-up care recommended and whether physician filing  
8 this Complications of Induced Abortion Report will be providing  
9 such follow-up care (if not, provide name of medical  
10 professional who will, if known). \_\_\_\_\_  
11 \_\_\_\_\_

12 Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by:  
13 (date) (month) (year)

14 \_\_\_\_\_  
15 (Signature of physician)

16 \_\_\_\_\_  
17 (License number of physician)

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

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

1 B. The Department shall notify each physician who subsequently  
2 becomes newly licensed to practice in this state, at the same time  
3 as an official notification to that physician that the physician is  
4 so licensed, of the requirements of the Statistical Reporting of  
5 Abortion Act.

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

18 D. Anyone who knowingly or recklessly fails to submit an  
19 Individual Abortion Form, Annual Abortion Report, or Complications  
20 of Induced Abortion Report, or submits false information under the  
21 Statistical Reporting of Abortion Act, shall be guilty of a  
22 misdemeanor.

23 E. The Department may take reasonable steps to ensure  
24 observance of the Statistical Reporting of Abortion Act and to

1 verify data submitted, including, but not limited to, inspection of  
2 places where induced abortions are performed in accordance with  
3 relevant statutes.

4 F. By July 30 of each year the Department shall issue, on its  
5 stable Internet web site, a public report providing statistics for  
6 the previous calendar year compiled from all of the reports covering  
7 that year submitted in accordance with this act. The Department's  
8 public report shall not contain the name, address, or any other  
9 identifying information of any individual female, and shall take  
10 care to ensure that none of the information included in its public  
11 report could reasonably lead to the identification of any individual  
12 female about whom information is reported in accordance with this  
13 act or of any physician providing information in accordance with  
14 this act. Nor shall such information be subject to an open records  
15 request.

16 G. The Department's public report required by subsection F of  
17 this section shall also include statistics which shall be obtained  
18 by the Administrative Office of the Courts giving the total number  
19 of petitions or motions filed under Section 1-740.3 of Title 63 of  
20 the Oklahoma Statutes, and of that number the number in which the  
21 court appointed a guardian ad litem; the number in which the court  
22 appointed counsel; the number in which the judge issued an order  
23 authorizing an abortion without notice to or obtaining consent of a  
24 parent, and of that number, the number in which the judge ruled the

1 minor was mature enough to make an informed decision without a  
2 parent, and the number in which the judge determined an abortion  
3 would be in the best interest of the minor; the number in which the  
4 judge denied such an order, and of the last, the number of denials  
5 for which an appeal was filed; the number of such appeals that  
6 resulted in the denials being affirmed; and the number of such  
7 appeals that resulted in reversals of such denials.

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

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

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

21 SECTION 7. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-738f of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

24

1 All Individual Abortion Reports, Annual Abortion Reports, and  
2 Complications of Induced Abortion Reports submitted to the State  
3 Department of Health shall remain confidential, and the information  
4 contained therein shall not be shared outside the Department except  
5 pursuant to Section 6 of this act. The Individual Abortion Reports,  
6 Annual Abortion Reports, and Complications of Induced Abortion  
7 Reports shall not be subject to the Oklahoma Open Records Act.

8 SECTION 8. AMENDATORY Section 13, Chapter 200, O.S.L.  
9 2005, as last amended by Section 7, Chapter 161, O.S.L. 2007 (63  
10 O.S. Supp. 2007, Section 1-740.3), is amended to read as follows:

11 Section 1-740.3 A. If a pregnant unemancipated minor elects  
12 not to allow the notification of and request for written informed  
13 consent of her parent, any judge of a court of competent  
14 jurisdiction shall, upon petition or motion, and after an  
15 appropriate hearing, authorize a physician to perform the abortion  
16 if the judge determines, by clear and convincing evidence, that the  
17 pregnant unemancipated minor is mature and capable of giving  
18 informed consent to the proposed abortion. If the judge determines  
19 that the pregnant unemancipated minor is not mature, or if the  
20 pregnant unemancipated minor does not claim to be mature, the judge  
21 shall determine, by clear and convincing evidence, whether the  
22 performance of an abortion upon her without notification and written  
23 informed consent of her parent would be in her best interest and  
24 shall authorize a physician to perform the abortion without

1 notification and written informed consent if the judge concludes  
2 that the best interests of the pregnant unemancipated minor would be  
3 served thereby.

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

13 C. A pregnant unemancipated minor may participate in  
14 proceedings in the court on her own behalf, and the court may  
15 appoint a guardian ad litem for her. The court shall advise the  
16 pregnant unemancipated minor that she has a right to court-appointed  
17 counsel and, upon her request, shall provide her with counsel.

18 D. Proceedings in the court under this section shall be  
19 confidential and shall be given precedence over other pending  
20 matters so that the court may reach a decision promptly and without  
21 delay so as to serve the best interests of the pregnant  
22 unemancipated minor. A judge of the court who conducts proceedings  
23 under this section shall make, in writing, specific factual findings  
24 and legal conclusions supporting the decision and shall order a

1 record of the evidence to be maintained, including the findings and  
2 conclusions of the court.

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

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

19 1. The total number of such petitions or motions filed where a  
20 guardian ad litem or other person acting in such capacity was  
21 requested and the number in which a guardian ad litem or other  
22 person acting in such capacity was appointed;

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

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

3           a. the number authorized due to a determination by the  
4           judge that the minor was mature enough to make an  
5           informed decision without notice to or obtaining  
6           consent of a parent, and

7           b. the number authorized due to a determination by the  
8           judge that an abortion was in the best interest of the  
9           minor; and

10       4. The number in which the judge denied authorizing an abortion  
11 and the number of those denials for which an appeal was filed, the  
12 number of those appeals that resulted in the denials being affirmed,  
13 and the number of those appeals that resulted in reversals of such  
14 denials.

15       G. The Administrative Office of the Courts shall annually  
16 submit the statistical information required by subsection F of this  
17 section to the State Department of Health no later than June 30 for  
18 the preceding year. The statistical information required by  
19 subsection F of this section shall not contain the name, address, or  
20 any other identifying information of any individual female.

21       SECTION 9. This act shall become effective November 1, 2008.

22  
23       51-2-11220           SAB           04/22/08  
24