

THE HOUSE OF REPRESENTATIVES  
Monday, April 14, 2008

Committee Substitute for  
ENGROSSED  
Senate Bill No. 2001

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2001 - By:  
LAUGHLIN of the Senate and JOHNSON (DENNIS), SULLIVAN, BLACKWELL AND  
TIBBS of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-738, which relates to abortion; creating the Statistical Reporting of Abortion Act; providing short title; defining term; providing for the State Department of Health to make an Individual Abortion Form, an Annual Abortion Report; and a Complications of Induced Abortion Report on its web site; specifying content; specifying time in which reports are due; requiring certain public reports; specifying time in which public reports shall be filed; providing for enforcement of reporting requirements; requiring notification of all newly licensed physicians of 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.

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

1           SECTION 1.   AMENDATORY   63 O.S. 2001, Section 1-738, is amended to read  
2 as follows:  
3           Section 1-738. ~~A. The Department shall adopt a form which shall be completed by~~  
4 ~~each attending physician who performs or induces an abortion which shall include all~~

1 ~~medical facts pertinent to the procedure and which shall allow the woman and her~~  
2 ~~physician to volunteer other personal facts for statistical public health purposes. This~~  
3 ~~abortion report shall also contain the following information about any consent form~~  
4 ~~required by law:~~

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

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

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

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

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

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

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

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

20 B. By March 1, 2009, the State Department of Health shall make available, on its  
21 stable Internet web site, an Individual Abortion Form as required by Section 3 of this act,

1 a form for an Annual Abortion Report as required by Section 4 of this act, and a form for  
2 a Complications of Induced Abortion Report as required by Section 5 of this act.

3 C. By March 1, 2009, the State Department of Health shall, on its stable internet  
4 website, provide the language of the Statistical Reporting of Abortion Act. The  
5 Department shall also, by March 1, 2009, provide, on its stable Internet web site, the  
6 means by which physicians may electronically submit the reports required by the  
7 Statistical Reporting of Abortion Act. The Department shall include instructions on its  
8 stable Internet web site regarding electronic submission.

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

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

15 B. The Department shall post a copy of the Statistical Reporting of Abortion Act  
16 with the Individual Abortion Form on its stable Internet web site. Nothing in the  
17 Individual Abortion Form shall contain the name, address, or any other identifying  
18 information of any patient. The Department's Individual Abortion Form need not be in  
19 any specific format. However, the Department's Individual Abortion Form shall require,  
20 but not be limited to, the following information:

- 21 1. The date the abortion is performed;
- 22 2. The age, marital status, and race of the mother;

- 1           3. The number of years of education of the mother;
- 2           4. The state of residence, county of residence, and ZIP code of the mother;
- 3           5. The total number of previous pregnancies of the mother, and of those, how many
- 4           resulted in live births and how many resulted in an abortion, and of those resulting in
- 5           abortion, how many were
- 6           spontaneous, and how many were induced;
- 7           6. The approximate gestational age, in weeks as measured from the last menstrual
- 8           period of the mother, of the unborn child subject to abortion;
- 9           7. The method of abortion used;
- 10          8. Whether the abortion resulted in an infant being born alive and, if so, whether
- 11          life-sustaining measures were taken, and how long the infant survived;
- 12          9. Whether anesthesia was administered to the mother and, if so, what type;
- 13          10. Whether anesthesia was administered to the unborn child and, if so, what type
- 14          and how it was administered;
- 15          11. The method of fetal tissue disposal;
- 16          12. The reason(s) for the abortion;
- 17          13. The complication(s) of the abortion;
- 18          14. The method of payment;
- 19          15. The type of medical health coverage;
- 20          16. The sum of fee(s) collected;
- 21          17. The physician's specialty area of medicine;

1 18. Whether ultrasound equipment was used before, during, or after the  
2 performance of the abortion (specify percentage for each that applies);

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

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

11 21. Whether the mother availed herself of the opportunity to view the printed  
12 materials described in Section 1-738.3 of Title 63 of the Oklahoma Statutes, and if so,  
13 whether she obtained the 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 the attending  
16 physician secured the written informed consent of one parent as required by Section 1-  
17 740.2 of Title 63 of the Oklahoma Statutes, and:

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

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



- 1 6. State, County and Zip Code of Residence \_\_\_\_\_
- 2 7. Total Number of Previous Pregnancies \_\_\_\_\_
- 3 Live Births: Now Living \_\_\_\_\_ Now Deceased \_\_\_\_\_
- 4 Previous Abortions: Spontaneous \_\_\_\_\_ Induced \_\_\_\_\_
- 5 8. Approximate gestational age in weeks, as measured from the last menstrual period of
- 6 the mother, of the unborn child subject to abortion
- 7 \_\_\_\_\_
- 8 9. Method of abortion used:
- 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 10. Was there a live infant as a result of the abortion? \_\_\_\_\_
- 21 a. If yes, were life-sustaining measures taken? \_\_\_\_\_
- 22 b. How long did the infant survive? \_\_\_\_\_

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

1 after the encounter with the induced-abortion-related illness or injury, but in no case  
2 more than 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 performance of this  
16 abortion? (if yes, specify percentage for each that applies) \_\_\_\_\_

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

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

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

- 1 22. Was the information required by paragraph 2 of subsection B of Section 1-738.2 of  
2 Title 63 of the Oklahoma Statutes provided to the mother? \_\_\_\_\_  
3 a. If yes, was it provided in person or by telephone? \_\_\_\_\_  
4 b. Was it provided by a referring physician, the physician performing the  
5 abortion, or an agent of either? \_\_\_\_\_
- 6 23. Did the mother avail herself of the opportunity to view the printed materials  
7 described in Section 1-738.3 of Title 63 of the Oklahoma Statutes? \_\_\_\_\_  
8 a. If yes, did she obtain the information by mail or on the internet?  
9 \_\_\_\_\_

10 THIS PORTION TO BE COMPLETED IN CASE OF MINOR

- 11 24. Minor's age \_\_\_\_\_
- 12 25. Was a parent of the minor provided notice as described in Section 1-740.2 of Title 63  
13 of the Oklahoma Statutes? \_\_\_\_\_  
14 a. If yes, how was the notice provided?  
15 In person \_\_\_\_\_  
16 By mail \_\_\_\_\_
- 17 26. Was informed written consent of one parent obtained as described in Section 1-740.2  
18 of Title 63 of the Oklahoma Statutes? \_\_\_\_\_
- 19 27. If no notice was provided nor consent obtained, please indicate which of the following  
20 apply:  
21 Minor was emancipated \_\_\_\_\_  
22 Abortion was necessary to prevent the death of the minor \_\_\_\_\_

1 Medical emergency, as defined in Section 1-738.1 of Title 63 of the Oklahoma  
2 Statutes, existed \_\_\_\_\_  
3 Minor received judicial authorization to obtain abortion without parental notice or  
4 consent \_\_\_\_\_

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

7 Judge ruled that minor was mature enough to give informed consent on her own  
8 \_\_\_\_\_

9 Judge ruled that abortion was in the best interest of the minor \_\_\_\_\_

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

11 \_\_\_\_\_

12 (Signature of physician)

13 \_\_\_\_\_

14 (Physician's license number)

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

18 A. Annual Abortion Report. By March 1, 2009, the State Department of Health  
19 shall prepare and make available on its stable Internet web site the form for the Annual  
20 Abortion Report. A copy of the Statistical Reporting of Abortion Act shall also be posted  
21 on the web site. Physicians performing abortions shall complete and electronically  
22 submit the Annual Abortion Report to the Department no later than April 1 for the

1 previous calendar year. Physicians shall attach and transmit all Individual Abortion  
2 Forms from the previous calendar year with each Annual Abortion Report submitted.  
3 Nothing in the Annual Abortion Report shall contain the name, address, or any other  
4 identifying information of any patient. The Annual Abortion Report shall require, but  
5 not be limited to, the following information:

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

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

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

14 4. The number of abortions performed because:

15 a. the mother cannot afford the child,

16 b. the mother does not want the child,

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

18 d. the mother suffers from a medical emergency, as defined in Section 1-  
19 738.1 of Title 63 of the Oklahoma Statutes,

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

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

22 g. the pregnancy was a result of incest,

- 1           h.     it was necessary to avert the death of the mother, or
- 2           i.     other (please specify);
- 3        5. The number of abortions paid for by:
- 4           a.     private insurance,
- 5           b.     public health plan, or
- 6           c.     other (please specify);
- 7        6. The number of abortions in which coverage was under:
- 8           a.     a fee-for-service insurance company,
- 9           b.     a managed care company, or
- 10          c.     other (please specify);
- 11        7. The number of abortions in which anesthesia was administered to the mother,
- 12   and the number in which anesthesia was administered to the fetus;
- 13        8. Specialty area of medicine of the physician;
- 14        9. The percentage of abortions, if any, in which ultrasound equipment was used
- 15   before, during, or after the abortion (specify percentage for each that applies);
- 16        10. The number of abortions resulting in complications, and of those, how many the
- 17   physician treated, and how many were transferred to another facility for treatment;
- 18        11. The number of abortions resulting in the death of the mother;
- 19        12. The number of females to whom the physician provided the information in
- 20   subparagraph a of paragraph 1 of subsection B of Section 1-738.2 of Title 63 of the
- 21   Oklahoma Statutes; of that number, the number provided by telephone and the number
- 22   provided in person; and of each of those numbers, the number provided in the capacity of

1 a referring physician and the number provided in the capacity of a physician who is to  
2 perform the abortion;

3 13. The number of females to whom the physician or an agent of the physician  
4 provided the information in paragraph 2 of subsection B of Section 1-738.2 of Title 63 of  
5 the Oklahoma Statutes; of that number, the number provided by telephone and the  
6 number provided in person; of each of those numbers, the number provided in the  
7 capacity of a referring physician and the number provided in the capacity of a physician  
8 who is to perform the abortion; and of each of those numbers, the number provided by the  
9 physician and the number provided by an agent of the physician;

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

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

20 16. The number of females to a parent of whom the physician provided notice as  
21 required by Section 1-740.2 of Title 63 of the Oklahoma Statutes; of that number, the  
22 number provided personally as described in that section, and the number provided by

1 mail as described in that section, and of each of those numbers, the number of females  
2 who, to the best of the information and belief of the reporting physician, went on to  
3 obtain the abortion;

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

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

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

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

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

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

22 Annual Abortion Report

Part I

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

PART II

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

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

January \_\_\_\_\_

February \_\_\_\_\_

March \_\_\_\_\_

- 1 April \_\_\_\_\_
- 2 May \_\_\_\_\_
- 3 June \_\_\_\_\_
- 4 July \_\_\_\_\_
- 5 August \_\_\_\_\_
- 6 September \_\_\_\_\_
- 7 October \_\_\_\_\_
- 8 November \_\_\_\_\_
- 9 December \_\_\_\_\_

10 3. Abortions performed by number:

- 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 4. Abortions performed because:

- 1 Mother cannot afford the child \_\_\_\_\_
- 2 Mother does not want the child \_\_\_\_\_
- 3 Emotional health of mother is at risk \_\_\_\_\_
- 4 Mother suffers from a medical emergency, as defined in Section 1-738.1 of Title 63
- 5 of the Oklahoma Statutes \_\_\_\_\_
- 6 Mother wanted child of a different sex \_\_\_\_\_
- 7 It was necessary to avert the death of the mother \_\_\_\_\_
- 8 Pregnancy was a result of forcible rape \_\_\_\_\_
- 9 Pregnancy was a result of incest \_\_\_\_\_
- 10 Other (specify) \_\_\_\_\_
- 11 5. Abortions paid for by:
- 12 Private insurance \_\_\_\_\_
- 13 Public health plan \_\_\_\_\_
- 14 Medicaid \_\_\_\_\_
- 15 Other (specify) \_\_\_\_\_
- 16 6. Abortions covered by:
- 17 Fee-for-service insurance company \_\_\_\_\_
- 18 Managed care company \_\_\_\_\_
- 19 Other (specify) \_\_\_\_\_
- 20 7. Number of abortions in which anesthesia was administered to mother \_\_\_\_\_
- 21 Number of abortions in which anesthesia was administered to fetus \_\_\_\_\_

- 1 8. Percentage of abortions, if any, in which ultrasound equipment was used before,  
2 during, or after the abortion (specify percentage for each that applies) \_\_\_\_\_
- 3 9. Number of abortions resulting in complications \_\_\_\_\_  
4 Of those complications, how many did you treat? \_\_\_\_\_  
5 Of those complications, how many patients were transferred to another facility for  
6 treatment? \_\_\_\_\_
- 7 10. Number of abortions resulting in death of mother \_\_\_\_\_
- 8 11. Number of females who were provided the information in subparagraph a of  
9 paragraph 1 of subsection B of Section 1-738.2 of Title 63 of the Oklahoma  
10 Statutes by:  
11 Telephone \_\_\_\_\_  
12 In person \_\_\_\_\_  
13 Referring physician \_\_\_\_\_  
14 Agent of referring physician \_\_\_\_\_  
15 Physician performing abortion \_\_\_\_\_  
16 Agent of physician performing abortion \_\_\_\_\_
- 17 12. Number of females provided the information in paragraph 2 of subsection B of  
18 Section 1-738.2 of Title 63 of the Oklahoma Statutes by:  
19 Telephone \_\_\_\_\_  
20 In person \_\_\_\_\_  
21 Referring physician \_\_\_\_\_  
22 Agent of referring physician \_\_\_\_\_

- 1 Physician performing abortion \_\_\_\_\_
- 2 Agent of physician performing abortion \_\_\_\_\_
- 3 13. Printed Information. Number of females who availed themselves of the opportunity
- 4 to obtain a copy of the printed information described in Section 1-738.3 of Title 63
- 5 of the Oklahoma Statutes \_\_\_\_\_
- 6 Of this number, to your best information and belief, how many went on to obtain
- 7 an abortion? \_\_\_\_\_
- 8 14. Number who did not avail themselves of the opportunity to obtain a copy of the
- 9 printed information described in Section 1-738.3 of Title 63 of the Oklahoma
- 10 Statutes \_\_\_\_\_
- 11 Of this number, to your best information and belief, how many went on to obtain
- 12 an abortion? \_\_\_\_\_
- 13 15. Number of abortions performed in which information otherwise required to be
- 14 provided at least twenty-four (24) hours before the abortion was not so provided
- 15 because an immediate abortion was necessary to avert the death of the female
- 16 \_\_\_\_\_
- 17 16. Number of abortions in which such information was not so provided because a
- 18 medical emergency, as defined in Section 1-738.1 of Title 63 of the Oklahoma
- 19 Statutes, existed \_\_\_\_\_
- 20 17. Abortions performed upon minors:
- 21 Number of abortions performed upon minors \_\_\_\_\_

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

4           Of that number, the number provided notice personally \_\_\_\_\_

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

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

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

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

12       Of that number:

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

14           b.     Number of minors upon whom the physician performed an abortion  
15           without notice to or obtaining the consent of the parent of the minor  
16           because the abortion was necessary to prevent the death of the minor  
17           \_\_\_\_\_

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

1 19. Number of abortions performed by the physician after receiving judicial  
2 authorization to do so without parental notice or consent \_\_\_\_\_

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

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

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

9 \_\_\_\_\_

10 (Signature of physician)

11 \_\_\_\_\_

12 (License number of physician)

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

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

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

1 Department's stable Internet web site, to any physician obtaining the Complications of  
2 Induced Abortion Report.

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

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

- 15 1. The name and specialty field of medical practice of the physician filing the  
16 report;
- 17 2. The name, address, and telephone number of the health care facility where the  
18 induced abortion complication was discovered and treated;
- 19 3. The date on which the complication was discovered and treated;
- 20 4. The date and location of the facility where the abortion was performed, if known;
- 21 5. The age of the patient experiencing the complication;
- 22 6. A description of the complication(s) resulting from the induced abortion;

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.



1 Description of complication(s). \_\_\_\_\_

2 \_\_\_\_\_

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

6 \_\_\_\_\_

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

8 (date) (month) (year)

9 \_\_\_\_\_

10 (Signature of physician)

11 \_\_\_\_\_

12 (License number of physician)

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

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

18 F. By July 30 of each year the Department shall issue, on its stable Internet web  
19 site, a public report providing statistics for the previous calendar year compiled from all  
20 of the reports covering that year submitted in accordance with this act. The  
21 Department's public report shall not contain the name, address, or any other identifying  
22 information of any individual female, and shall take care to ensure that none of the

1 information included in its public report could reasonably lead to the identification of any  
2 individual female about whom information is reported in accordance with this act or of  
3 any physician providing information in accordance with this act. Nor shall such  
4 information be subject to an open records request.

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

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

21 I. The Department may by rule promulgated in accordance with the Administrative  
22 Procedures Act alter the dates established by this section to achieve administrative

1 convenience or fiscal savings or to reduce the burden of reporting requirements, so long  
2 as reporting forms are made available, on its stable Internet web site, to all licensed  
3 physicians in the state, and the report described in this section is issued at least once  
4 every year.

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

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

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

1 the judge concludes that the best interests of the pregnant unemancipated minor would  
2 be served thereby.

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

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

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

21 E. An expedited confidential appeal shall be available to any pregnant  
22 unemancipated minor for whom the court denies an order authorizing an abortion

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

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

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

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

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

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

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

1        4. The number in which the judge denied authorizing an abortion and the number  
2 of those denials for which an appeal was filed, the number of those appeals that resulted  
3 in the denials being affirmed, and the number of those appeals that resulted in reversals  
4 of such denials.

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

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

11        COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
12        dated 04-10-08 - DO PASS, As Amended and Coauthored.