

1 ENGROSSED HOUSE
2 BILL NO. 3284

By: Peterson, Reynolds,
Sullivan, Kern, Cooksey,
Ritze, Faught and Ortega of
the House

4 and

5 Jolley of the Senate

6
7
8
9 An Act relating to public health and safety; creating
10 the Statistical Abortion Reporting Act; providing
11 short title; defining terms; providing for the State
12 Department of Health to make and publish an
13 Individual Abortion Form and a Complications of
14 Induced Abortion Report on its website; providing for
15 the compilation and publication of certain
16 information; prohibiting the posting of certain forms
17 and reports; directing the State Department of Health
18 to publish certain statutes and regulations on its
19 website; providing for effective date of certain
20 provisions; directing the Department to post certain
21 form with instructions on its website; providing for
22 electronic submission; specifying time in which
23 reports are due; providing for certain notice;
24 specifying content of certain form; requiring certain
public reports; specifying time in which public
reports shall be filed; requiring the completion and
submission of certain report; requiring notification
of all newly licensed physicians of reporting
requirements; stating penalties for late submission,
no submission and incomplete submission of forms or
reports; requiring periodic inspections of certain
facilities; authorizing the promulgation of rules;
authorizing certain action for failure to issue
public reports; providing for certain intervention in
litigation; providing for certain laws to be of
nonbinding force in certain circumstance; directing
the Attorney General to issue opinion in certain
circumstances; repealing Sections 3, 4, 5, 6, 7, 8, 9
and 10, Chapter 227, O.S.L. 2009 (63 O.S. Supp. 2009,

1 Sections 1-738a, 1-738b, 1-738c, 1-738d, 1-738e, 1-
2 738f, 1-738g and 1-738h), which relate to the
3 Statistical Reporting of Abortion Act; providing for
4 severability; providing for codification; providing
5 for noncodification; and declaring an emergency.

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

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

10 This act shall be known and may be cited as the "Statistical
11 Abortion Reporting Act".

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

15 A. As used in the Statistical Abortion Reporting Act:

16 1. "Abortion" means the term as defined in Section 1-730 of
17 Title 63 of the Oklahoma Statutes;

18 2. "Complication" means any adverse physical or psychological
19 condition arising from the performance of an abortion, which
20 includes but is not limited to: uterine perforation, cervical
21 perforation, infection, bleeding, hemorrhage, blood clots, failure
22 to actually terminate the pregnancy, incomplete abortion (retained
23 tissue), pelvic inflammatory disease, endometritis, missed ectopic
24 pregnancy, cardiac arrest, respiratory arrest, renal failure,

1 metabolic disorder, shock, embolism, coma, placenta previa, preterm
2 delivery in subsequent pregnancies, free fluid in abdomen, adverse
3 reaction to anesthesia and other drugs, and mental and psychological
4 complications such as depression, anxiety, sleeping disorders,
5 psychiatric hospitalization, and emotional problems; and

6 3. "Stable Internet website" means a website that, to the
7 extent reasonably practicable, is safeguarded from having its
8 content altered other than by the State Department of Health.

9 B. By March 1, 2012, the State Department of Health shall make
10 available, on its stable Internet website, an Individual Abortion
11 Form as required by Section 3 of this act, and a form for a
12 Complications of Induced Abortion Report as required by Section 4 of
13 this act.

14 C. As required by Section 5 of this act, information from a
15 completed Individual Abortion Form or a completed Complications of
16 Induced Abortion Report shall be combined with information from all
17 other such completed forms and reports submitted for the year. An
18 Annual Abortion Report providing statistics for the previous
19 calendar year compiled from all of that year's completed forms and
20 reports submitted in accordance with the Statistical Abortion
21 Reporting Act shall be published annually by the Department on its
22 stable Internet website.

23 D. No Individual Abortion Forms or Complications of Induced
24 Abortion Reports that have been completed and submitted to the

1 Department by any physician pursuant to subsection B of Section 3 of
2 this act or subsection C of Section 4 of this act shall be posted
3 online.

4 E. By March 1, 2012, the State Department of Health shall, on
5 its stable Internet website, provide the language of all Oklahoma
6 Statutes and regulations directly relating to abortion, and shall
7 promptly update its website to reflect subsequent statutory and
8 regulatory changes. The Department shall also, by March 1, 2012,
9 provide, on its stable Internet website, the means by which
10 physicians may electronically submit the reports required by the
11 Statistical Abortion Reporting Act. The Department shall include
12 instructions on its stable Internet website regarding electronic
13 submission. The Department shall take all necessary precautions to
14 ensure the security of the electronically submitted reports so that
15 the submitted data is able to be accessed only by specially
16 authorized departmental personnel during and following the process
17 of transmission.

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

21 A. Subsections B and C of this section shall become operative
22 on the later of:

23 1. April 1, 2012; or
24

1 2. Thirty (30) calendar days following the date on which the
2 State Department of Health posts on its website the Individual
3 Abortion Form and instructions concerning its electronic submission
4 referenced in this section.

5 B. The Department shall post the Individual Abortion Form and
6 instructions concerning its electronic submission on its stable
7 Internet website. Nothing in the Individual Abortion Form shall
8 contain the name, address, hometown, county of residence, or any
9 other information specifically identifying any patient. The
10 Department's Individual Abortion Form shall be substantially similar
11 to, but need not be in the specific format, provided in subsection F
12 of this section.

13 C. Any physician performing abortions shall fully complete and
14 submit, electronically, an Individual Abortion Form to the State
15 Department of Health by the last business day of the calendar month
16 following the month in which the physician performs an abortion, for
17 each abortion the physician performs.

18 D. In cases in which a physician or the agent of a physician:

19 1. Mails the printed materials described in Section 1-738.3 of
20 Title 63 of the Oklahoma Statutes to a female specifically to comply
21 with division (1) of subparagraph d of paragraph 2 of subsection B
22 of Section 1-738.2 of Title 63 of the Oklahoma Statutes;

23 2. Gives or mails the printed materials described in Section 1-
24 738.10 of Title 63 of the Oklahoma Statutes to a female specifically

1 to comply with subsection A of Section 1-738.8 of Title 63 of the
2 Oklahoma Statutes; or

3 3. Provides notice to a parent in compliance with Section 1-
4 740.2 of Title 63 of the Oklahoma Statutes,
5 but does not subsequently perform an abortion on the female or
6 minor, the physician shall electronically submit a completed
7 Individual Abortion Form to the State Department of Health, and
8 shall mark as "not applicable" those items of information that may
9 accurately be provided only when an abortion is performed. The
10 physician shall not submit such a form if the physician knows that
11 an abortion was subsequently performed on the female or minor by
12 another physician. Individual Abortion Forms required by this
13 subsection shall be submitted by the last business day of the second
14 calendar month following the calendar month in which the physician
15 mails the printed materials or provides notice to a parent.

16 E. The Individual Abortion Form shall contain a notice
17 containing an assurance that, in accordance with subsection F of
18 Section 5 of this act, public reports based on the form submitted
19 will not contain the name, address, hometown, county of residence,
20 or any other identifying information of any individual female, that
21 the State Department of Health will take care to ensure that none of
22 the information included in its public reports could reasonably lead
23 to the identification of any individual female about whom
24 information is reported in accordance with the Statistical Abortion

1 Reporting Act or of any physician providing information in
2 accordance with the Statistical Abortion Reporting Act, and that
3 such information is not subject to the Oklahoma Open Records Act.

4 F. Individual Abortion Form. The Department's Individual
5 Abortion Form shall be substantially similar to, but need not be in
6 the specific format of, the following form:

7 Individual Abortion Form

8 (TO BE COMPLETED FOR EACH ABORTION PERFORMED)

- 9 1. Date of abortion: _____
- 10 2. County in which the abortion was performed: _____
- 11 3. Age of mother: _____
- 12 4. Marital status of mother: _____
- 13 (specify married, divorced, separated, widowed, or never
- 14 married)
- 15 5. Race of mother: _____
- 16 6. Years of education of mother: _____
- 17 (specify highest year completed)
- 18 7. State or foreign country of residence of mother: _____
- 19 8. Total number of previous pregnancies of the mother: _____
- 20 Live Births: _____
- 21 Miscarriages: _____
- 22 Induced Abortions: _____
- 23
- 24

- 1 9. Approximate gestational age in weeks, as measured from the last
2 menstrual period of the mother, of the unborn child subject to
3 abortion: _____
- 4 10. Method of abortion used:
- 5 Suction Aspiration: _____
- 6 Dilation and Curettage: _____
- 7 RU 486: _____
- 8 Methotrexate: _____
- 9 Other drug/chemical/medicine (specify): _____
- 10 Dilation and Evacuation: _____
- 11 Saline: _____
- 12 Urea: _____
- 13 Prostaglandins: _____
- 14 Partial Birth Abortion: _____
- 15 Hysterotomy: _____
- 16 Other (specify): _____
- 17 11. Was there an infant born alive as a result of the abortion?
18 _____
- 19 If yes:
- 20 Were life-sustaining measures undertaken? _____
- 21 How long did the infant survive? _____
- 22 12. Was anesthesia administered to mother? _____
- 23 If yes, what type? _____
- 24 13. Was anesthesia administered to the fetus? _____

1 If yes:
2 What type? _____
3 How was it administered? _____
4 14. Method of fetal tissue disposal: _____
5 15. Unless a medical emergency, as defined in Section 1-738.1 of
6 Title 63 of the Oklahoma Statutes, exists, the abortion
7 provider or agent shall ask the pregnant female to provide,
8 orally or in writing, the reason(s) she is seeking the
9 abortion. If such a medical emergency exists, the abortion
10 provider or agent shall specify on the form the condition which
11 necessitated the immediate abortion: _____
12 REASON GIVEN FOR ABORTION (check all applicable):
13 Having a baby:
14 Would dramatically change the life of the mother: _____
15 Would interfere with the education of the mother: _____
16 Would interfere with the job/employment/career of the
17 mother: _____
18 Mother has other children or dependents: _____
19 Mother cannot afford the child: _____
20 Mother is unmarried: _____
21 Mother is a student or planning to be a student: _____
22 Mother cannot afford child care: _____
23 Mother cannot afford the basic needs of life: _____
24 Mother is unemployed: _____

1 Mother cannot leave job to care for a baby: _____
2 Mother would have to find a new place to live: _____
3 Mother does not have enough support from a husband or partner:
4 _____
5 Husband or partner is unemployed: _____
6 Mother is currently or temporarily on welfare or public
7 assistance: _____
8 Mother does not want to be a single mother: _____
9 Mother is having relationship problems: _____
10 Mother is not certain of relationship with the father of the
11 child: _____
12 Partner and mother are unable to or do not want to get married:
13 _____
14 Mother is not currently in a relationship: _____
15 The relationship or marriage of the mother may soon break up:
16 _____
17 Husband or partner is abusive to the mother or her children:
18 _____
19 Mother has completed her childbearing: _____
20 Mother is not ready for a, or another, child: _____
21 Mother does not want people to know that she had sex or became
22 pregnant: _____
23 Mother does not feel mature enough to raise a, or another,
24 child: _____

1 Husband or partner wants mother to have an abortion: _____
2 There may be possible problem affecting the health of the
3 fetus: _____
4 Physical health of the mother is at risk: _____
5 Parents want mother to have an abortion: _____
6 Emotional health of the mother is at risk: _____
7 Mother suffered from a medical emergency as defined in Section
8 1-738.1 of Title 63 of the Oklahoma Statutes: _____
9 Mother wanted a child of a different sex: _____
10 Abortion is necessary to avert the death of the mother: _____
11 Pregnancy was a result of forcible rape: _____
12 Pregnancy was a result of incest: _____
13 Other (specify): _____
14 Patient was asked why she is seeking an abortion, but she
15 declined to give a reason: _____
16 16. Method of payment (check one):
17 Private insurance: _____
18 Public health plan: _____
19 Medicaid: _____
20 Private pay: _____
21 Other (specify): _____
22 17. Type of private medical health insurance coverage, if any
23 (check one):
24 Fee-for-service insurance company: _____

1 Managed care company: _____
2 Other (specify): _____
3 18. Sum of fee(s) collected: _____
4 19. Time of fee collection (check one):
5 Full fee for abortion collected prior to or at the time the
6 patient was provided the information required under subsection A of
7 Section 1-738.2 of Title 63 of the Oklahoma Statutes: _____
8 Partial fee for abortion collected prior to or at the time the
9 patient was provided the information required under subsection A of
10 Section 1-738.2 of Title 63 of the Oklahoma Statutes: _____
11 Full fee for abortion collected at time the abortion was
12 performed: _____
13 Other (specify): _____
14 20. Specialty area of medicine of the physician: _____
15 _____
16 21. Was ultrasound equipment used before, during, or after the
17 performance of this abortion?
18 Before? _____ Vaginal, abdominal, or both? _____
19 During? _____ Vaginal, abdominal, or both? _____
20 After? _____ Vaginal, abdominal, or both? _____
21 22. If ultrasound equipment was used, was the ultrasound performed
22 by:
23 The physician performing the abortion: _____
24

1 A physician other than the physician performing the abortion:

2 _____

3 Other (specify): _____

4 23. Was the information required by paragraph 1 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:

8 In person: _____

9 By telephone: _____

10 b. Was it provided by:

11 A referring physician: _____

12 The physician performing the abortion: _____

13 An agent of a referring physician: _____

14 An agent of the physician performing the abortion:

15 _____

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

19 a. If yes, was it provided:

20 In person: _____

21 By telephone: _____

22 b. Was it provided by:

23 A referring physician: _____

24 An agent of a referring physician: _____

1 The physician performing the abortion: _____

2 An agent of the physician performing the abortion:

3 _____

4 25. Did the mother avail herself of the opportunity to have the
5 printed materials described in Section 1-738.3 of Title 63 of
6 the Oklahoma Statutes mailed to her? _____

7 26. Were the informed consent requirements of subsection B of
8 Section 1-738.2 of Title 63 of the Oklahoma Statutes dispensed
9 with because of a medical emergency necessitating an immediate
10 abortion:

11 To avert death: _____

12 To avert substantial and irreversible impairment of a major
13 bodily function arising from continued pregnancy: _____

14 27. Was the probable gestational age of the unborn child twenty
15 (20) weeks or more? _____

16 a. If yes, was the mother provided the information
17 described in subsection A of Section 1-738.8 of Title
18 63 of the Oklahoma Statutes? _____

19 (1) If yes, was the information provided:

20 In person: _____

21 By telephone: _____

22 (2) If yes, was the information provided by:

23 A referring physician: _____

24 An agent of a referring physician: _____

1 The physician performing the abortion: _____

2 An agent of the physician performing the
3 abortion: _____

4 b. Did the mother choose to be given or mailed the
5 materials described in Section 1-738.10 of Title 63 of
6 the Oklahoma Statutes? _____

7 c. To the best of the information and belief of the
8 reporting physician, did the mother go on to obtain
9 the abortion? _____

10 28. Was the abortion performed within the scope of employment of an
11 Oklahoma state employee or an employee of an agency or
12 political subdivision of the state? _____

13 29. Was the abortion performed with the use of any public
14 institution, public facility, public equipment, or other
15 physical asset owned, leased, or controlled by this state, its
16 agencies, or political subdivisions? _____

17 30. If the answer to question 28 or 29 is yes:

18 a. Was the abortion necessary to save the life of the
19 mother? _____

20 If yes, what was the life-endangering condition?

21 _____

22 b. Did the pregnancy result from an act of forcible rape?

23 _____

1 If yes, list the law enforcement authority to which
2 the rape was reported: _____

3 List the date of the report: _____

4 c. Did the pregnancy result from an act of incest
5 committed against a minor? _____

6 If yes, list the law enforcement authority to which
7 the perpetrator was reported: _____

8 List the date of the report: _____

9 THIS PORTION TO BE COMPLETED IN CASE OF MINOR

10 31. Minor's age at the time the abortion was performed: _____

11 32. Was a parent of the minor provided notice prior to the abortion
12 as described in Section 1-740.2 of Title 63 of the Oklahoma
13 Statutes? _____

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

15 In person: _____

16 By mail: _____

17 b. If yes, to the best of the reporting physician's
18 knowledge and belief, did the minor go on to obtain
19 the abortion? _____

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

23 If yes, how was it secured?

24 In person: _____

1 Other (specify): _____

2 34. If no notice was provided nor consent obtained, indicate which
3 of the following apply:

4 Minor was emancipated: _____

5 Abortion was necessary to prevent the death of the minor: _____

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

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

10 35. If no notice was provided nor consent obtained because a
11 medical emergency existed, indicate:

12 Whether parent was subsequently notified (state period of time
13 elapsed before notice was given): _____

14 Whether judicial waiver of notice requirement was obtained:

15 _____

16 36. If the minor received judicial authorization to obtain an
17 abortion without parental notice or consent, indicate which of
18 the following applies:

19 Judge ruled that minor was mature enough to give informed
20 consent on her own: _____

21 Judge ruled that abortion was in the best interest of the
22 minor: _____

1 37. If the female was a minor at the time of conception, indicate
2 the age of the father of the unborn child at the time of
3 conception: _____

4 38. If at the time of conception the ages of the mother and father
5 were such that a violation of Section 1111, 1112, 1114 or 1123
6 of Title 21 or Section 7115 of Title 10 of the Oklahoma
7 Statutes occurred, was the rape or abuse reported to the proper
8 authorities? _____

9 Filed this ____ day of _____, _____, by:

10 _____

11 (Name of physician)

12 _____

13 (Physician's license number)

14 NOTICE: In accordance with subsection F of Section 5 of this act,
15 public reports based on this form will not contain the name,
16 address, hometown, county of residence, or any other identifying
17 information of any individual female. The State Department of
18 Health shall take care to ensure that none of the information
19 included in its public reports could reasonably lead to the
20 identification of any individual female about whom information is
21 reported or of any physician providing information in accordance
22 with the Statistical Abortion Reporting Act. Such information is
23 not subject to the Oklahoma Open Records Act.

24

1 Be advised that any complication(s) shall be detailed in a
2 "Complications of Induced Abortion Report" and submitted to the
3 Department as soon as is practicable after the encounter with the
4 induced-abortion-related illness or injury, but in no case more than
5 sixty (60) days after such an encounter.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-7381 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Complications of Induced Abortion Report. By March 1, 2012,
10 the State Department of Health shall prepare and make available, on
11 its stable Internet website, a Complications of Induced Abortion
12 Report for all physicians licensed and practicing in the State of
13 Oklahoma.

14 B. Subsection C of this section shall become operative on the
15 later of:

16 1. April 1, 2012; or

17 2. Thirty (30) calendar days following the date on which the
18 State Department of Health posts on its stable Internet website the
19 Individual Abortion Form and instructions concerning its electronic
20 submission referenced in Section 3 of this act.

21 C. Any physician practicing in Oklahoma who encounters an
22 illness or injury that a reasonably knowledgeable physician would
23 judge is related to an induced abortion shall complete and submit,
24 electronically or by regular mail, a Complications of Induced

1 Abortion Report to the Department as soon as is practicable after
2 the encounter with the induced-abortion-related illness or injury,
3 but in no case more than sixty (60) days after such an encounter.
4 Nothing in the Complications of Induced Abortion Report shall
5 contain the name, address, hometown, county of residence, or any
6 other information specifically identifying any patient. Knowing or
7 reckless unreasonable delay or failure to submit a Complications of
8 Induced Abortion Report shall be sanctioned according to the
9 provisions of the Statistical Abortion Reporting Act.

10 D. The Complications of Induced Abortion Report shall contain a
11 notice containing an assurance that in accordance with subsection F
12 of Section 5 of this act, public reports based on the form submitted
13 will not contain the name, address, hometown, county of residence,
14 or any other identifying information of any individual female, that
15 the State Department of Health will take care to ensure that none of
16 the information included in its public reports could reasonably lead
17 to the identification of any individual female about whom
18 information is reported in accordance with the Statistical Abortion
19 Reporting Act, or of any physician providing information in
20 accordance with the Statistical Abortion Reporting Act, and that
21 such information is not subject to the Oklahoma Open Records Act.

22 E. Complication(s) of Induced Abortion Report. The
23 Complications of Induced Abortion Report shall be substantially
24

1 similar to, but need not be in the specific format of, the following
2 form:

3 Complications of Induced Abortion Report

4 1. Name and specialty field of medical practice of the
5 physician filing the report: _____

6 2. Did the physician filing the report perform or induce the
7 abortion? _____

8 3. Name, address, and telephone number of the health care
9 facility where the induced abortion complication was discovered or
10 treated: _____

11 4. Date on which the complication was discovered: _____

12 5. Date on which, and location of the facility where, the
13 abortion was performed, if known: _____

14 6. Age of the patient experiencing the complication: _____

15 7. Describe the complication(s) resulting from the induced
16 abortion: _____

17 8. Circle all that apply:

18 a. Death

19 b. Cervical laceration requiring suture or repair

20 c. Heavy bleeding/hemorrhage with estimated blood loss of
21 greater than or equal to 500cc

22 d. Uterine Perforation

23 e. Infection

24

- 1 f. Failed termination of pregnancy (continued viable
2 pregnancy)
- 3 g. Incomplete termination of pregnancy (Retained parts of
4 fetus requiring re-evacuation)
- 5 h. Other (May include psychological complications, future
6 reproductive complications, or other illnesses or
7 injuries that in the physician's medical judgment
8 occurred as a result of an induced abortion. Specify
9 diagnosis.): _____

10 9. Type of follow-up care, if any, recommended:

11 _____

12 10. Will the physician filing the Complications of Induced
13 Abortion Report be providing such follow-up care (if not, the name
14 of the medical professional who will, if known)?

15 _____

16 11. Name and license number of physician filing the
17 Complications of Induced Abortion Report: _____

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

21 A. Beginning in 2013, by June 1 of each year, the Department
22 shall issue, on its stable Internet website, a public Annual
23 Abortion Report providing statistics for the previous calendar year

24

1 compiled from all of the reports covering that year submitted in
2 accordance with the Statistical Abortion Reporting Act.

3 B. The Department's public report shall also provide statistics
4 for all previous calendar years for which abortion-reporting
5 requirements have been in effect, adjusted to reflect any additional
6 information from late or corrected reports.

7 C. The Annual Abortion Report shall include, but not be limited
8 to, the following information:

9 1. The number of induced abortions performed in the previous
10 calendar year, broken down by month and county in which the abortion
11 was performed;

12 2. The number of abortions classified by:

13 a. the state or foreign country of residence of the
14 mother,

15 b. the age, marital status, and race of the mother, and

16 c. the number of years of education of the mother;

17 3. The number of abortions classified by:

18 a. the number of previous pregnancies of the mother,

19 b. previous live births to the mother,

20 c. previous miscarriages, and

21 d. previous induced abortions;

22 4. The number of abortions by week of gestational age;

23 5. The number of abortions performed by each reported method;

24

- 1 6. The number of abortions resulting in an infant born alive;
2 of these, the number of cases in which life-sustaining measures were
3 taken; and a statistical summary of the length of survival of such
4 infants;
- 5 7. The number of cases in which anesthesia was administered to
6 the mother and the number of each type of anesthesia;
- 7 8. The number of cases in which anesthesia was administered to
8 the unborn child, and the number of each type of anesthesia and of
9 each method of administration;
- 10 9. The number of each reported method of fetal disposal;
- 11 10. The reasons reported for the abortions, and the number of
12 times each reported reason was cited;
- 13 11. The number of abortions paid for by:
- 14 a. private insurance,
15 b. public health plan,
16 c. Medicaid,
17 d. private pay, or
18 e. other;
- 19 12. The number of abortions in which medical health insurance
20 coverage was under:
- 21 a. a fee-for-service insurance company,
22 b. a managed care company, or
23 c. other;
- 24 13. A statistical summary of the fees collected;

1 14. Specialty area of medicine of the physician;

2 15. The number of abortions in which ultrasound equipment was
3 used before, during, or after the abortion, and the number of times
4 vaginal ultrasound, abdominal ultrasound, or both were used in each
5 of the three circumstances;

6 16. The number of abortions before which an ultrasound was
7 performed by:

8 a. the physician performing the abortion,

9 b. a physician other than the physician performing the
10 abortion, or

11 c. other;

12 17. The number of abortions resulting in reported
13 complications, and of those, how many were reported by the physician
14 who performed the abortion, and how many were reported by another
15 physician, the types of reported complications, and the number of
16 each type based on data which shall be compiled and transmitted to
17 the State Department of Health by the State Board of Medical
18 Licensure and Supervision and the State Board of Osteopathic
19 Examiners;

20 18. The number of abortions resulting in the reported death of
21 the mother;

22 19. The number of females to whom the physician provided the
23 information in subparagraph a of paragraph 1 of subsection B of
24 Section 1-738.2 of Title 63 of the Oklahoma Statutes; of that

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

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

14 21. The number of females who availed themselves of the
15 opportunity to have a copy of the printed information described in
16 Section 1-738.3 of Title 63 of the Oklahoma Statutes mailed to them;
17 and of that number, the number who, based on the submitted reports,
18 did and did not obtain an abortion;

19 22. The number of abortions performed by the physician in which
20 information otherwise required to be provided at least twenty-four
21 (24) hours before the abortion was not so provided because an
22 immediate abortion was necessary to avert the death of the female,
23 and the number of abortions in which such information was not so
24

1 provided because a delay would create serious risk of substantial
2 and irreversible impairment of a major bodily function;

3 23. The number of females to whom physicians or their agents
4 provided the information described in subsection A of Section 1-
5 738.8 of Title 63 of the Oklahoma Statutes; of that number:

6 a. the number provided by telephone and the number
7 provided in person; and of each of those numbers, the
8 number provided in the capacity of a referring
9 physician and the number provided in the capacity of a
10 physician who is to perform the abortion, or by the
11 agent of such physician, and

12 b. the number of females who availed themselves of the
13 opportunity to be given or mailed the materials
14 described in Section 1-738.10 of Title 63 of the
15 Oklahoma Statutes, and the number who did not; and of
16 each of those numbers, the number who, to the best of
17 the information and belief of the reporting physician,
18 went on to obtain the abortion;

19 24. The number of females to whom the information described in
20 subsection A of Section 1-738.8 of Title 63 of the Oklahoma Statutes
21 would have had to be provided but for a medical emergency
22 determination; of that number, the number for whom an immediate
23 abortion was necessary to avert the death of the female, and the
24

1 number for whom a delay would have created serious risk of
2 substantial and irreversible impairment of a major bodily function;

3 25. The number of abortions performed within the scope of
4 employment of Oklahoma state employees and employees of an agency or
5 political subdivision of the state, the number of abortions
6 performed with the use of public institutions, facilities,
7 equipment, or other physical assets owned, leased, or controlled by
8 this state, its agencies, or political subdivisions, and for each
9 category:

10 a. the number of abortions reported as necessary to save
11 the life of the mother, the life-endangering
12 conditions identified, and the number of each such
13 condition reported,

14 b. the number of abortions reported from pregnancies
15 resulting from forcible rape, the number of such rapes
16 reported to law enforcement authorities, general
17 categories of law enforcement authorities to whom
18 reports were made and the number made to each
19 category, and a statistical summary of the length of
20 time between the dates of reporting to law enforcement
21 authorities and the dates of the abortions, and

22 c. the number of abortions reported from pregnancies
23 resulting from incest committed against a minor, the
24 number of perpetrators of incest in such cases

1 reported to law enforcement authorities, general
2 categories of law enforcement authorities to whom
3 reports were made and the number made to each
4 category, and a statistical summary of the length of
5 time between the dates of reporting to law enforcement
6 authorities and the dates of the abortions;

7 26. The number of females to a parent of whom the physician
8 provided notice as required by Section 1-740.2 of Title 63 of the
9 Oklahoma Statutes; of that number, the number provided personally as
10 described in that section, and the number provided by mail as
11 described in that section, and of each of those numbers, the number
12 of females who, to the best of the information and belief of the
13 reporting physician, went on to obtain the abortion;

14 27. The number of females upon whom the physician performed an
15 abortion without the notice to or consent of the parent of the minor
16 required by Section 1-740.2 of Title 63 of the Oklahoma Statutes; of
17 that number, the number who were emancipated minors and the number
18 who suffered from a medical emergency, and of the latter, the number
19 of cases in which a parent was notified subsequently and the number
20 of cases in which a judicial waiver was obtained. In the case of
21 medical emergencies in which a parent was informed subsequently, a
22 statistical summary of the period of time elapsed before
23 notification;

1 28. The number of abortions performed after receiving judicial
2 authorization to do so without parental notice and consent;

3 29. The number of abortions performed on minors after judicial
4 authorizations were granted because of a finding that the minor girl
5 was mature and capable of giving informed consent; and

6 30. The number of abortions performed on minors after judicial
7 authorizations were granted because of a finding that the
8 performance of the abortion without parental notification and
9 consent was in the best interest of the minor.

10 D. Beginning in 2013, by June 1 of each year, the State
11 Department of Health shall post, on its stable Internet website, a
12 public Annual Judicial Bypass of Abortion Parental Consent Summary
13 Report providing statistics which shall be compiled and supplied to
14 the Department by the Administrative Office of the Courts giving the
15 total number of petitions or motions filed under Section 1-740.3 of
16 Title 63 of the Oklahoma Statutes and of that number, the number in
17 which:

18 1. The court appointed a guardian ad litem;

19 2. The court appointed counsel;

20 3. The judge issued an order authorizing an abortion without
21 parental notification or consent, and of those:

22 a. the number authorized due to a determination by the
23 judge that the minor was mature and capable of giving
24 consent to the proposed abortion, and

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

4 4. The judge denied such an order, and of this, the number of:

5 a. denials from which an appeal was filed,

6 b. the appeals that resulted in the denial being
7 affirmed, and

8 c. appeals that resulted in reversals of the denials.

9 E. Each Annual Judicial Bypass of Abortion Parental Consent
10 Summary Report shall also provide the statistics for all previous
11 calendar years for which the public statistical report was required
12 to be issued, adjusted to reflect any additional information from
13 late or corrected reports.

14 F. The Department's public reports shall not contain the name,
15 address, hometown, county of residence, or any other identifying
16 information of any individual female, and shall take care to ensure
17 that none of the information included in its public reports could
18 reasonably lead to the identification of any individual female about
19 whom information is reported in accordance with the Statistical
20 Abortion Reporting Act or of any physician providing information in
21 accordance with the Statistical Abortion Reporting Act. Nor shall
22 the information described in the preceding sentence be subject to
23 the Oklahoma Open Records Act.

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

4 A. The State Board of Medical Licensure and Supervision and the
5 State Board of Osteopathic Examiners shall notify, by March 1, 2012,
6 all physicians licensed to practice in this state over whom they
7 have licensure authority of the requirements of the Statistical
8 Abortion Reporting Act and of the addresses of the pages on the
9 State Department of Health's secure Internet website providing
10 access to the forms it requires and instructions for their
11 electronic submission. The respective Board shall also notify each
12 physician who subsequently becomes newly licensed to practice in
13 this state, at the same time as an official notification to that
14 physician, that the physician is so licensed.

15 B. Individual Abortion Forms or Complications of Induced
16 Abortion Reports that are not submitted by the end of a grace period
17 of thirty (30) days following the due date shall be subject to a
18 late fee of Five Hundred Dollars (\$500.00) for each additional
19 thirty-day period the forms or reports are overdue. Any monies
20 collected under this subsection shall be deposited into an account
21 created within the Department, which shall be used for the
22 administration of the Statistical Abortion Reporting Act. Any
23 physician required to report in accordance with the Statistical
24 Abortion Reporting Act who has not completed and electronically

1 submitted a form or report, or has submitted only an incomplete form
2 or report, more than one (1) year following the due date shall be
3 precluded from renewing his or her license until such fines are paid
4 in full and outstanding forms or reports are submitted, and may, in
5 an action brought by the State Department of Health, be directed by
6 a court of competent jurisdiction to electronically submit completed
7 forms or reports within a period stated by court order or be subject
8 to sanctions for civil contempt.

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

13 D. The Department shall ensure compliance with the Statistical
14 Abortion Reporting Act and shall verify the data provided by
15 periodic inspections of places where abortions are performed.

16 E. The Department may promulgate rules in accordance with the
17 Administrative Procedures Act to alter the dates established by the
18 Statistical Abortion Reporting Act to achieve administrative
19 convenience, fiscal savings, or to reduce the burden of reporting
20 requirements, so long as the forms and reports are made available,
21 on its stable Internet website, to all licensed physicians in this
22 state, and the public reports described in Section 5 of this act are
23 issued at least once every year.

24

1 F. If the Department fails to issue the public reports
2 described in Section 5 of this act, an action pursuant to Chapter 26
3 of Title 12 of the Oklahoma Statutes may be initiated. If judgment
4 is rendered in favor of the plaintiff in any action described in
5 this subsection, the court shall also render judgment for a
6 reasonable attorney fee in favor of the plaintiff against the
7 defendant. If judgment is rendered in favor of the defendant and
8 the court finds that the plaintiff's suit was frivolous and brought
9 in bad faith, the court shall also render judgment for a reasonable
10 attorney fee in favor of the defendant against the plaintiff.

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

14 The Oklahoma Legislature, by joint resolution, may appoint one
15 or more of its members who sponsored or cosponsored this act in his
16 or her official capacity to intervene as a matter of right in any
17 case in which the constitutionality of this law is challenged.

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

21 A. Sections 1-738.3a, 1-738.13 and 1-740.4a of Title 63 of the
22 Oklahoma Statutes shall become ineffective and of no binding force
23 on the date specified in subsection B of this section, but if the
24 Statistical Abortion Reporting Act is ever temporarily or

1 permanently restrained or enjoined by judicial order, these sections
2 shall become effective and enforceable; provided, however, that if
3 such temporary or permanent restraining order or injunction is ever
4 stayed or dissolved, or otherwise ceases to have effect, these
5 sections shall again become ineffective and of no binding force
6 until or unless an injunction or restraining order against the
7 Statistical Abortion Reporting Act is again in effect. If and to
8 the extent the Statistical Abortion Reporting Act is restrained or
9 enjoined in part, then only those provisions of these sections that
10 neither conflict with nor substantively duplicate the provisions of
11 the Statistical Abortion Reporting Act that are not enjoined shall
12 have effect. As promptly as feasible following the issuance of any
13 restraining order or injunction that enjoins part but not all of the
14 Statistical Abortion Reporting Act, the Attorney General shall issue
15 an opinion specifically identifying those provisions of these
16 sections that are effective and enforceable in accordance with the
17 preceding sentence.

18 B. The date specified in this subsection is the later of:

19 1. April 1, 2012; or

20 2. Thirty (30) calendar days following the date on which the
21 State Department of Health posts on its secure Internet website the
22 Individual Abortion Form and instructions concerning its electronic
23 submission referenced in Section 3 of this act.

24

1 SECTION 9. REPEALER Sections 3, 4, 5, 6, 7, 8, 9 and 10,
2 Chapter 227, O.S.L. 2009 (63 O.S. Supp. 2009, Sections 1-738a, 1-
3 738b, 1-738c, 1-738d, 1-738e, 1-738f, 1-738g and 1-738h), are hereby
4 repealed.

5 SECTION 10. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 If any one or more provisions, sections, subsections, sentences,
8 clauses, phrases or words of this act, or the application thereof to
9 any person or circumstance, are found to be unconstitutional, the
10 same are declared to be severable and the balance of this act shall
11 remain effective notwithstanding the unconstitutionality. The
12 Legislature declares that it would have passed this act, and each
13 provision, section, subsection, sentence, clause, phrase or word
14 thereof, irrespective of the fact that any one or more provisions,
15 sections, subsections, sentences, clauses, phrases, or words be
16 declared unconstitutional.

17 SECTION 11. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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