

THE HOUSE OF REPRESENTATIVES  
Thursday, February 25, 2010

Committee Substitute for  
**House Bill No. 3284**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3284 - By: PETERSON,  
REYNOLDS AND SULLIVAN of the House and JOLLEY of the Senate.

An Act relating to public health and safety; creating the Statistical Abortion Reporting Act; providing short title; defining terms; providing for the State Department of Health to make and publish an Individual Abortion Form and a Complications of Induced Abortion Report on its website; providing for the compilation and publication of certain information; prohibiting the posting of certain forms and reports; directing the State Department of Health to publish certain statutes and regulations on its website; providing for effective date of certain provisions; directing the Department to post certain form with instructions on its website; providing for electronic submission; specifying time in which reports are due; providing for certain notice; 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, Sections 1-738a, 1-738b, 1-738c, 1-738d, 1-738e, 1-738f, 1-738g and 1-738h), which relate to the Statistical Reporting of Abortion Act; providing for severability; providing for codification; providing for noncodification; and declaring an emergency.

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

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

4 This act shall be known and may be cited as the “Statistical Abortion Reporting  
5 Act”.

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

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

10 1. “Abortion” means the term as defined in Section 1-730 of Title 63 of the  
11 Oklahoma Statutes;

12 2. “Complication” means any adverse physical or psychological condition arising  
13 from the performance of an abortion, which includes but is not limited to: uterine  
14 perforation, cervical perforation, infection, bleeding, hemorrhage, blood clots, failure to  
15 actually terminate the pregnancy, incomplete abortion (retained tissue), pelvic  
16 inflammatory disease, endometritis, missed ectopic pregnancy, cardiac arrest,  
17 respiratory arrest, renal failure, metabolic disorder, shock, embolism, coma, placenta  
18 previa, preterm delivery in subsequent pregnancies, free fluid in abdomen, adverse  
19 reaction to anesthesia and other drugs, and mental and psychological complications such  
20 as depression, anxiety, sleeping disorders, psychiatric hospitalization, and emotional  
21 problems; and

1           3. “Stable Internet website” means a website that, to the extent reasonably  
2 practicable, is safeguarded from having its content altered other than by the State  
3 Department of Health.

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

8           C. As required by Section 5 of this act, information from a completed Individual  
9 Abortion Form or a completed Complications of Induced Abortion Report shall be  
10 combined with information from all other such completed forms and reports submitted  
11 for the year. An Annual Abortion Report providing statistics for the previous calendar  
12 year compiled from all of that year’s completed forms and reports submitted in  
13 accordance with the Statistical Abortion Reporting Act shall be published annually by  
14 the Department on its stable Internet website.

15           D. No Individual Abortion Forms or Complications of Induced Abortion Reports  
16 that have been completed and submitted to the Department by any physician pursuant  
17 to subsection B of Section 3 of this act or subsection C of Section 4 of this act shall be  
18 posted online.

19           E. By March 1, 2012, the State Department of Health shall, on its stable Internet  
20 website, provide the language of all Oklahoma Statutes and regulations directly relating  
21 to abortion, and shall promptly update its website to reflect subsequent statutory and  
22 regulatory changes. The Department shall also, by March 1, 2012, provide, on its stable

1 Internet website, the means by which physicians may electronically submit the reports  
2 required by the Statistical Abortion Reporting Act. The Department shall include  
3 instructions on its stable Internet website regarding electronic submission. The  
4 Department shall take all necessary precautions to ensure the security of the  
5 electronically submitted reports so that the submitted data is able to be accessed only by  
6 specially authorized departmental personnel during and following the process of  
7 transmission.

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

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

12 1. April 1, 2012; or

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

16 B. The Department shall post the Individual Abortion Form and instructions  
17 concerning its electronic submission on its stable Internet website. Nothing in the  
18 Individual Abortion Form shall contain the name, address, hometown, county of  
19 residence, or any other information specifically identifying any patient. The  
20 Department's Individual Abortion Form shall be substantially similar to, but need not be  
21 in the specific format, provided in subsection F of this section.

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

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

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

9 2. Gives or mails the printed materials described in Section 1-738.10 of Title 63 of  
10 the Oklahoma Statutes to a female specifically to comply with subsection A of Section 1-  
11 738.8 of Title 63 of the Oklahoma Statutes; or

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

1 E. The Individual Abortion Form shall contain a notice containing an assurance  
2 that, in accordance with subsection F of Section 5 of this act, public reports based on the  
3 form submitted will not contain the name, address, hometown, county of residence, or  
4 any other identifying information of any individual female, that the State Department of  
5 Health will take care to ensure that none of the information included in its public reports  
6 could reasonably lead to the identification of any individual female about whom  
7 information is reported in accordance with the Statistical Abortion Reporting Act or of  
8 any physician providing information in accordance with the Statistical Abortion  
9 Reporting Act, and that such information is not subject to the Oklahoma Open Records  
10 Act.

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

13 Individual Abortion Form

14 (TO BE COMPLETED FOR EACH ABORTION PERFORMED)

15 1. Date of abortion: \_\_\_\_\_

16 2. County in which the abortion was performed: \_\_\_\_\_

17 3. Age of mother: \_\_\_\_\_

18 4. Marital status of mother: \_\_\_\_\_

19 (specify married, divorced, separated, widowed, or never married)

20 5. Race of mother: \_\_\_\_\_

21 6. Years of education of mother: \_\_\_\_\_

22 (specify highest year completed)

- 1 7. State or foreign country of residence of mother: \_\_\_\_\_
- 2 8. Total number of previous pregnancies of the mother: \_\_\_\_\_
- 3 Live Births: \_\_\_\_\_
- 4 Miscarriages: \_\_\_\_\_
- 5 Induced Abortions: \_\_\_\_\_
- 6 9. Approximate gestational age in weeks, as measured from the last menstrual period of
- 7 the mother, of the unborn child subject to abortion:
- 8 \_\_\_\_\_
- 9 10. Method of abortion used:
- 10 Suction Aspiration: \_\_\_\_\_
- 11 Dilation and Curettage: \_\_\_\_\_
- 12 RU 486: \_\_\_\_\_
- 13 Methotrexate: \_\_\_\_\_
- 14 Other drug/chemical/medicine (specify): \_\_\_\_\_
- 15 Dilation and Evacuation: \_\_\_\_\_
- 16 Saline: \_\_\_\_\_
- 17 Urea: \_\_\_\_\_
- 18 Prostaglandins: \_\_\_\_\_
- 19 Partial Birth Abortion: \_\_\_\_\_
- 20 Hysterotomy: \_\_\_\_\_
- 21 Other (specify): \_\_\_\_\_
- 22 11. Was there an infant born alive as a result of the abortion? \_\_\_\_\_

1           If yes:

2           Were life-sustaining measures undertaken? \_\_\_\_\_

3           How long did the infant survive? \_\_\_\_\_

4    12. Was anesthesia administered to mother? \_\_\_\_\_

5           If yes, what type? \_\_\_\_\_

6    13. Was anesthesia administered to the fetus? \_\_\_\_\_

7           If yes:

8           What type? \_\_\_\_\_

9           How was it administered? \_\_\_\_\_

10   14. Method of fetal tissue disposal: \_\_\_\_\_

11   15. Unless a medical emergency, as defined in Section 1-738.1 of Title 63 of the

12           Oklahoma Statutes, exists, the abortion provider or agent shall ask the pregnant

13           female to provide, orally or in writing, the reason(s) she is seeking the abortion. If

14           such a medical emergency exists, the abortion provider or agent shall specify on

15           the form the condition which necessitated the immediate abortion:

16           \_\_\_\_\_

17           REASON GIVEN FOR ABORTION (check all applicable):

18           Having a baby:

19                 Would dramatically change the life of the mother: \_\_\_\_\_

20                 Would interfere with the education of the mother: \_\_\_\_\_

21                 Would interfere with the job/employment/career of the mother: \_\_\_\_\_

22           Mother has other children or dependents: \_\_\_\_\_

- 1 Mother cannot afford the child: \_\_\_\_\_
- 2 Mother is unmarried: \_\_\_\_\_
- 3 Mother is a student or planning to be a student: \_\_\_\_\_
- 4 Mother cannot afford child care: \_\_\_\_\_
- 5 Mother cannot afford the basic needs of life: \_\_\_\_\_
- 6 Mother is unemployed: \_\_\_\_\_
- 7 Mother cannot leave job to care for a baby: \_\_\_\_\_
- 8 Mother would have to find a new place to live: \_\_\_\_\_
- 9 Mother does not have enough support from a husband or partner: \_\_\_\_\_
- 10 Husband or partner is unemployed: \_\_\_\_\_
- 11 Mother is currently or temporarily on welfare or public assistance: \_\_\_\_\_
- 12 Mother does not want to be a single mother: \_\_\_\_\_
- 13 Mother is having relationship problems: \_\_\_\_\_
- 14 Mother is not certain of relationship with the father of the child: \_\_\_\_\_
- 15 Partner and mother are unable to or do not want to get married: \_\_\_\_\_
- 16 Mother is not currently in a relationship: \_\_\_\_\_
- 17 The relationship or marriage of the mother may soon break up: \_\_\_\_\_
- 18 Husband or partner is abusive to the mother or her children: \_\_\_\_\_
- 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 pregnant:  
22 \_\_\_\_\_

- 1 Mother does not feel mature enough to raise a, or another, child: \_\_\_\_\_
- 2 Husband or partner wants mother to have an abortion: \_\_\_\_\_
- 3 There may be possible problem affecting the health of the 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 1-738.1 of Title 63
- 8 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 declined to give a
- 15 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 (check one):

1 Fee-for-service insurance company: \_\_\_\_\_

2 Managed care company: \_\_\_\_\_

3 Other (specify): \_\_\_\_\_

4 18. Sum of fee(s) collected: \_\_\_\_\_

5 19. Time of fee collection (check one):

6 Full fee for abortion collected prior to or at the time the patient was provided the  
7 information required under subsection A of Section 1-738.2 of Title 63 of the Oklahoma  
8 Statutes: \_\_\_\_\_

9 Partial fee for abortion collected prior to or at the time the patient was provided  
10 the information required under subsection A of Section 1-738.2 of Title 63 of the  
11 Oklahoma Statutes: \_\_\_\_\_

12 Full fee for abortion collected at time the abortion was 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 performance of this  
17 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 by:

22 The physician performing the abortion: \_\_\_\_\_

1 A physician other than the physician performing the abortion: \_\_\_\_\_

2 Other (specify): \_\_\_\_\_

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

5 a. If yes, was it provided:

6 In person: \_\_\_\_\_

7 By telephone: \_\_\_\_\_

8 b. Was it provided by:

9 A referring physician: \_\_\_\_\_

10 The physician performing the abortion: \_\_\_\_\_

11 An agent of a referring physician: \_\_\_\_\_

12 An agent of the physician performing the abortion: \_\_\_\_\_

13 24. Was the information required by paragraph 2 of subsection B of Section 1-738.2 of  
14 Title 63 of the Oklahoma Statutes provided to the mother? \_\_\_\_\_

15 a. If yes, was it provided:

16 In person: \_\_\_\_\_

17 By telephone: \_\_\_\_\_

18 b. Was it provided by:

19 A referring physician: \_\_\_\_\_

20 An agent of a referring physician: \_\_\_\_\_

21 The physician performing the abortion: \_\_\_\_\_

22 An agent of the physician performing the abortion: \_\_\_\_\_

- 1 25. Did the mother avail herself of the opportunity to have the printed materials  
2 described in Section 1-738.3 of Title 63 of the Oklahoma Statutes mailed to her?  
3 \_\_\_\_\_
- 4 26. Were the informed consent requirements of subsection B of Section 1-738.2 of Title  
5 63 of the Oklahoma Statutes dispensed with because of a medical emergency  
6 necessitating an immediate abortion:  
7 To avert death: \_\_\_\_\_  
8 To avert substantial and irreversible impairment of a major bodily function arising  
9 from continued pregnancy: \_\_\_\_\_
- 10 27. Was the probable gestational age of the unborn child twenty (20) weeks or more?  
11 \_\_\_\_\_
- 12 a. If yes, was the mother provided the information described in  
13 subsection A of Section 1-738.8 of Title 63 of the Oklahoma Statutes?  
14 \_\_\_\_\_
- 15 (1) If yes, was the information provided:  
16 In person: \_\_\_\_\_  
17 By telephone: \_\_\_\_\_
- 18 (2) If yes, was the information provided by:  
19 A referring physician: \_\_\_\_\_  
20 An agent of a referring physician: \_\_\_\_\_  
21 The physician performing the abortion: \_\_\_\_\_  
22 An agent of the physician performing the abortion: \_\_\_\_\_

- 1           b.     Did the mother choose to be given or mailed the materials described in  
2                     Section 1-738.10 of Title 63 of the Oklahoma Statutes? \_\_\_\_\_
- 3           c.     To the best of the information and belief of the reporting physician, did  
4                     the mother go on to obtain the abortion? \_\_\_\_\_
- 5   28. Was the abortion performed within the scope of employment of an Oklahoma state  
6         employee or an employee of an agency or political subdivision of the state?  
7         \_\_\_\_\_
- 8   29. Was the abortion performed with the use of any public institution, public facility,  
9         public equipment, or other physical asset owned, leased, or controlled by this state,  
10         its agencies, or political subdivisions? \_\_\_\_\_
- 11   30. If the answer to question 28 or 29 is yes:
- 12         a.     Was the abortion necessary to save the life of the mother? \_\_\_\_\_  
13                     If yes, what was the life-endangering condition? \_\_\_\_\_
- 14         b.     Did the pregnancy result from an act of forcible rape? \_\_\_\_\_  
15                     If yes, list the law enforcement authority to which the rape was  
16                     reported: \_\_\_\_\_  
17                     List the date of the report: \_\_\_\_\_
- 18         c.     Did the pregnancy result from an act of incest committed against a  
19                     minor? \_\_\_\_\_  
20                     If yes, list the law enforcement authority to which the perpetrator was  
21                     reported: \_\_\_\_\_  
22                     List the date of the report: \_\_\_\_\_

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

1 THIS PORTION TO BE COMPLETED IN CASE OF MINOR

2 31. Minor's age at the time the abortion was performed: \_\_\_\_\_

3 32. Was a parent of the minor provided notice prior to the abortion as described in  
4 Section 1-740.2 of Title 63 of the Oklahoma Statutes? \_\_\_\_\_

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

6 In person: \_\_\_\_\_

7 By mail: \_\_\_\_\_

8 b. If yes, to the best of the reporting physician's knowledge and belief, did  
9 the minor go on to obtain the abortion? \_\_\_\_\_

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

12 If yes, how was it secured?

13 In person: \_\_\_\_\_

14 Other (specify): \_\_\_\_\_

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

16 Minor was emancipated: \_\_\_\_\_

17 Abortion was necessary to prevent the death of the minor: \_\_\_\_\_

18 Medical emergency, as defined in Section 1-738.1 of Title 63 of the Oklahoma  
19 Statutes, existed: \_\_\_\_\_

20 Minor received judicial authorization to obtain abortion without parental notice or  
21 consent: \_\_\_\_\_

- 1 35. If no notice was provided nor consent obtained because a medical emergency existed,  
2 indicate:  
3 Whether parent was subsequently notified (state period of time elapsed before  
4 notice was given): \_\_\_\_\_  
5 Whether judicial waiver of notice requirement was obtained: \_\_\_\_\_
- 6 36. If the minor received judicial authorization to obtain an abortion without parental  
7 notice or consent, indicate which of the following applies:  
8 Judge ruled that minor was mature enough to give informed consent on her own:  
9 \_\_\_\_\_  
10 Judge ruled that abortion was in the best interest of the minor: \_\_\_\_\_
- 11 37. If the female was a minor at the time of conception, indicate the age of the father of  
12 the unborn child at the time of conception: \_\_\_\_\_
- 13 38. If at the time of conception the ages of the mother and father were such that a  
14 violation of Section 1111, 1112, 1114 or 1123 of Title 21 or Section 7115 of Title 10  
15 of the Oklahoma Statutes occurred, was the rape or abuse reported to the proper  
16 authorities? \_\_\_\_\_
- 17 Filed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by:  
18 \_\_\_\_\_  
19 (Name of physician)  
20 \_\_\_\_\_  
21 (Physician's license number)

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

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

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

16 A. Complications of Induced Abortion Report. By March 1, 2012, the State  
17 Department of Health shall prepare and make available, on its stable Internet website, a  
18 Complications of Induced Abortion Report for all physicians licensed and practicing in  
19 the State of Oklahoma.

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

21 1. April 1, 2012; or

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

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

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

1 Statistical Abortion Reporting Act, and that such information is not subject to the  
2 Oklahoma Open Records Act.

3 E. Complication(s) of Induced Abortion Report. The Complications of Induced  
4 Abortion Report shall be substantially similar to, but need not be in the specific format  
5 of, the following form:

6 Complications of Induced Abortion Report

7 1. Name and specialty field of medical practice of the physician filing the report:

8 \_\_\_\_\_

9 2. Did the physician filing the report perform or induce the abortion?

10 \_\_\_\_\_

11 3. Name, address, and telephone number of the health care facility where the  
12 induced abortion complication was discovered or treated:

13 \_\_\_\_\_

14 4. Date on which the complication was discovered: \_\_\_\_\_

15 5. Date on which, and location of the facility where, the abortion was performed, if  
16 known: \_\_\_\_\_

17 6. Age of the patient experiencing the complication: \_\_\_\_\_

18 7. Describe the complication(s) resulting from the induced abortion:

19 \_\_\_\_\_

20 8. Circle all that apply:

21 a. Death

22 b. Cervical laceration requiring suture or repair

- 1 c. Heavy bleeding/hemorrhage with estimated blood loss of greater than  
2 or equal to 500cc  
3 d. Uterine Perforation  
4 e. Infection  
5 f. Failed termination of pregnancy (continued viable pregnancy)  
6 g. Incomplete termination of pregnancy (Retained parts of fetus requiring  
7 re-evacuation)  
8 h. Other (May include psychological complications, future reproductive  
9 complications, or other illnesses or injuries that in the physician's  
10 medical judgment occurred as a result of an induced abortion. Specify  
11 Diagnosis.): \_\_\_\_\_

12 9. Type of follow-up care, if any, recommended: \_\_\_\_\_

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

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

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

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

1 previous calendar year 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 for all previous  
4 calendar years for which abortion-reporting requirements have been in effect, adjusted to  
5 reflect any additional information from late or corrected reports.

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

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

10 2. The number of abortions classified by:

- 11 a. the state or foreign country of residence of the mother,
- 12 b. the age, marital status, and race of the mother, and
- 13 c. the number of years of education of the mother;

14 3. The number of abortions classified by:

- 15 a. the number of previous pregnancies of the mother,
- 16 b. previous live births to the mother,
- 17 c. previous miscarriages, and
- 18 d. previous induced abortions;

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

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

- 1           6. The number of abortions resulting in an infant born alive; of these, the number  
2 of cases in which life-sustaining measures were taken; and a statistical summary of the  
3 length of survival of such infants;
- 4           7. The number of cases in which anesthesia was administered to the mother and  
5 the number of each type of anesthesia;
- 6           8. The number of cases in which anesthesia was administered to the unborn child,  
7 and the number of each type of anesthesia and of each method of administration;
- 8           9. The number of each reported method of fetal disposal;
- 9           10. The reasons reported for the abortions, and the number of times each reported  
10 reason was cited;
- 11          11. The number of abortions paid for by:
- 12           a.     private insurance,
- 13           b.     public health plan,
- 14           c.     Medicaid,
- 15           d.     private pay, or
- 16           e.     other;
- 17          12. The number of abortions in which medical health insurance coverage was  
18 under:
- 19           a.     a fee-for-service insurance company,
- 20           b.     a managed care company, or
- 21           c.     other;
- 22          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 used before,  
3 during, or after the abortion, and the number of times vaginal ultrasound, abdominal  
4 ultrasound, or both were used in each of the three circumstances;
- 5           16. The number of abortions before which an ultrasound was performed by:
- 6               a.     the physician performing the abortion,  
7               b.     a physician other than the physician performing the abortion, or  
8               c.     other;
- 9           17. The number of abortions resulting in reported complications, and of those, how  
10 many were reported by the physician who performed the abortion, and how many were  
11 reported by another physician, the types of reported complications, and the number of  
12 each type, including, based on data which shall be compiled and transmitted to the State  
13 Department of Health by the State Board of Medical Licensure and Supervision and the  
14 State Board of Osteopathic Examiners;
- 15           18. The number of abortions resulting in the reported death of the mother;
- 16           19. The number of females to whom the physician provided the information in  
17 subparagraph a of paragraph 1 of subsection B of Section 1-738.2 of Title 63 of the  
18 Oklahoma Statutes; of that number, the number provided by telephone and the number  
19 provided in person; and of each of those numbers, the number provided in the capacity of  
20 a referring physician and the number provided in the capacity of a physician who is to  
21 perform the abortion;

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

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

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

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

- 21           a.       the number provided by telephone and the number provided in person;  
22                   and of each of those numbers, the number provided in the capacity of a

1 referring physician and the number provided in the capacity of a  
2 physician who is to perform the abortion, or by the agent of such  
3 physician, and

4 b. the number of females who availed themselves of the opportunity to be  
5 given or mailed the materials described in Section 1-738.10 of Title 63  
6 of the Oklahoma Statutes, and the number who did not; and of each of  
7 those numbers, the number who, to the best of the information and  
8 belief of the reporting physician, went on to obtain the abortion;

9 24. The number of females to whom the information described in subsection A of  
10 Section 1-738.8 of Title 63 of the Oklahoma Statutes would have had to be provided but  
11 for a medical emergency determination; of that number, the number for whom an  
12 immediate abortion was necessary to avert the death of the female, and the number for  
13 whom a delay would have created serious risk of substantial and irreversible impairment  
14 of a major bodily function;

15 25. The number of abortions performed within the scope of employment of  
16 Oklahoma state employees and employees of an agency or political subdivision of the  
17 state, the number of abortions performed with the use of public institutions, facilities,  
18 equipment, or other physical assets owned, leased, or controlled by this state, its  
19 agencies, or political subdivisions, and for each category:

20 a. the number of abortions reported as necessary to save the life of the  
21 mother, the life-endangering conditions identified, and the number of  
22 each such condition reported,

- 1           b.     the number of abortions reported from pregnancies resulting from  
2                   forcible rape, the number of such rapes reported to law enforcement  
3                   authorities, general categories of law enforcement authorities to whom  
4                   reports were made and the number made to each category, and a  
5                   statistical summary of the length of time between the dates of  
6                   reporting to law enforcement authorities and the dates of the  
7                   abortions, and
- 8           c.     the number of abortions reported from pregnancies resulting from  
9                   incest committed against a minor, the number of perpetrators of incest  
10                  in such cases reported to law enforcement authorities, general  
11                  categories of law enforcement authorities to whom reports were made  
12                  and the number made to each category, and a statistical summary of  
13                  the length of time between the dates of reporting to law enforcement  
14                  authorities and the dates of the abortions;

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

21           27. The number of females upon whom the physician performed an abortion  
22           without the notice to or consent of the parent of the minor required by Section 1-740.2 of

1 Title 63 of the Oklahoma Statutes; of that number, the number who were emancipated  
2 minors and the number who suffered from a medical emergency, and of the latter, the  
3 number of cases in which a parent was notified subsequently and the number of cases in  
4 which a judicial waiver was obtained. In the case of medical emergencies in which a  
5 parent was informed subsequently, a statistical summary of the period of time elapsed  
6 before notification;

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

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

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

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

21 1. The court appointed a guardian ad litem;

22 2. The court appointed counsel;

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

3           a.     the number authorized due to a determination by the judge that the  
4                 minor was mature and capable of giving consent to the proposed  
5                 abortion, and

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

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

9           a.     denials from which an appeal was filed,

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

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

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

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

1 shall the information described in the preceding sentence be subject to the Oklahoma  
2 Open Records Act.

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

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

14 B. Individual Abortion Forms or Complications of Induced Abortion Reports that  
15 are not submitted by the end of a grace period of thirty (30) days following the due date  
16 shall be subject to a late fee of Five Hundred Dollars (\$500.00) for each additional thirty-  
17 day period the forms or reports are overdue. Any monies collected under this subsection  
18 shall be deposited into an account created within the Department, which shall be used  
19 for the administration of the Statistical Abortion Reporting Act. Any physician required  
20 to report in accordance with the Statistical Abortion Reporting Act who has not  
21 completed and electronically submitted a form or report, or has submitted only an  
22 incomplete form or report, more than one (1) year following the due date shall be

1 precluded from renewing his or her license until such fines are paid in full and  
2 outstanding forms or reports are submitted, and may, in an action brought by the State  
3 Department of Health, be directed by a court of competent jurisdiction to electronically  
4 submit completed forms or reports within a period stated by court order or be subject to  
5 sanctions for civil contempt.

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

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

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

18 F. If the Department fails to issue the public reports described in Section 5 of this  
19 act, an action pursuant to Chapter 26 of Title 12 of the Oklahoma Statutes may be  
20 initiated. If judgment is rendered in favor of the plaintiff in any action described in this  
21 subsection, the court shall also render judgment for a reasonable attorney fee in favor of  
22 the plaintiff against the defendant. If judgment is rendered in favor of the defendant and

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

1 the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court  
2 shall also render judgment for a reasonable attorney fee in favor of the defendant against  
3 the plaintiff.

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

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

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

13 A. Sections 1-738.3a, 1-738.13 and 1-740.4a of Title 63 of the Oklahoma Statutes  
14 shall become ineffective and of no binding force on the date specified in subsection B of  
15 this section, but if the Statistical Abortion Reporting Act is ever temporarily or  
16 permanently restrained or enjoined by judicial order, these sections shall become  
17 effective and enforceable; provided, however, that if such temporary or permanent  
18 restraining order or injunction is ever stayed or dissolved, or otherwise ceases to have  
19 effect, these sections shall again become ineffective and of no binding force until or unless  
20 an injunction or restraining order against the Statistical Abortion Reporting Act is again  
21 in effect. If and to the extent the Statistical Abortion Reporting Act is restrained or  
22 enjoined in part, then only those provisions of these sections that neither conflict with

1 nor substantively duplicate the provisions of the Statistical Abortion Reporting Act that  
2 are not enjoined shall have effect. As promptly as feasible following the issuance of any  
3 restraining order or injunction that enjoins part but not all of the Statistical Abortion  
4 Reporting Act, the Attorney General shall issue an opinion specifically identifying those  
5 provisions of these sections that are effective and enforceable in accordance with the  
6 preceding sentence.

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

8 1. April 1, 2012; or

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

12 SECTION 9. REPEALER Sections 3, 4, 5, 6, 7, 8, 9 and 10, Chapter 227, O.S.L.  
13 2009 (63 O.S. Supp. 2009, Sections 1-738a, 1-738b, 1-738c, 1-738d, 1-738e, 1-738f, 1-738g  
14 and 1-738h), are hereby repealed.

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

17 If any one or more provisions, sections, subsections, sentences, clauses, phrases or  
18 words of this act, or the application thereof to any person or circumstance, are found to  
19 be unconstitutional, the same are declared to be severable and the balance of this act  
20 shall remain effective notwithstanding the unconstitutionality. The Legislature declares  
21 that it would have passed this act, and each provision, section, subsection, sentence,

1 clause, phrase or word thereof, irrespective of the fact that any one or more provisions,  
2 sections, subsections, sentences, clauses, phrases, or words be declared unconstitutional.

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

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-24-10 - DO PASS,  
7 As Amended and Coauthored.