

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2015

By: Roberts (Sean), Ritze,
Biggs, Christian, Echols
and Fisher of the House

6 and

7 Loveless of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to public health and safety; amending
12 63 O.S. 2011, Section 1-738k, which relates to the
13 Individual Abortion Form; adding certain questions to
14 the Individual Abortion Form; amending 63 O.S. 2011,
15 Section 1-738m, which relates to the Annual Abortion
16 Report; adding certain information to the Annual
17 Abortion Report; amending 63 O.S. 2011, Section 1-
18 738n, which relates to certain notice requirements to
19 physicians; permitting voters to institute
20 proceedings if abortion provider fails to submit
21 report; providing for attorney fees under certain
22 conditions; providing certain sections be enforced in
23 certain circumstances; providing for codification;
24 and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-738k, is
amended to read as follows:

Section 1-738k. A. Subsections B and C of this section shall
become operative on the later of:

1 1. April 1, 2012; or

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

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

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

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

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

1 2. Gives or mails the printed materials described in Section 1-
2 738.10 of ~~Title 63 of the Oklahoma Statutes~~ this title to a female
3 specifically to comply with subsection A of Section 1-738.8 of ~~Title~~
4 ~~63 of the Oklahoma Statutes~~ this title; or

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

18 E. The Individual Abortion Form shall contain a notice
19 containing an assurance that, in accordance with subsection F of
20 Section ~~5~~ 1-738m of this ~~act~~ title, public reports based on the form
21 submitted will not contain the name, address, hometown, county of
22 residence, or any other identifying information of any individual
23 female, that the State Department of Health will take care to ensure
24 that none of the information included in its public reports could

1 reasonably lead to the identification of any individual female about
2 whom information is reported in accordance with the Statistical
3 Abortion Reporting Act or of any physician providing information in
4 accordance with the Statistical Abortion Reporting Act, and that
5 such information is not subject to the Oklahoma Open Records Act.

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

9 Individual Abortion Form

10 (TO BE COMPLETED FOR EACH ABORTION PERFORMED)

11 1. Date of abortion: _____

12 2. County in which the abortion was performed: _____

13 3. Age of mother: _____

14 4. Marital status of mother: _____

15 (specify married, divorced, separated, widowed, or never
16 married)

17 5. Race of mother: _____

18 6. Years of education of mother: _____

19 (specify highest year completed)

20 7. State or foreign country of residence of
21 mother: _____

22 8. Total number of previous pregnancies of the
23 mother: _____

24 Live Births: _____

1 Miscarriages: _____

2 Induced Abortions: _____

3 9. Approximate gestational age in weeks, as measured from the
4 last menstrual period of the mother, of the unborn child subject to
5 abortion: _____

6 10. Method of abortion used:

7 Suction Aspiration: _____

8 Dilation and Curettage: _____

9 RU 486: _____

10 Methotrexate: _____

11 Other drug/chemical/medicine (specify): _____

12 Dilation and Evacuation: _____

13 Saline: _____

14 Urea: _____

15 Prostaglandins: _____

16 Partial Birth Abortion: _____

17 Hysterotomy: _____

18 Other (specify): _____

19 11. Was there an infant born alive as a result of the abortion?

20 _____

21 If yes:

22 Were life-sustaining measures undertaken? _____

23 How long did the infant survive? _____

24 12. Was anesthesia administered to mother? _____

1 If yes, what type? _____

2 13. Was anesthesia administered to the fetus? _____

3 If yes:

4 What type? _____

5 How was it administered? _____

6 14. Method of fetal tissue disposal: _____

7 15. Unless a medical emergency, as defined in Section ~~1-738.1~~
8 1-738.1A, or as applicable, Section 1-745.2 of Title 63 of the
9 Oklahoma Statutes, exists, the abortion provider or agent shall ask
10 the pregnant female to provide, orally or in writing, the reason(s)
11 she is seeking the abortion. If such a medical emergency exists,
12 the abortion provider or agent shall specify on the form the
13 condition which necessitated the immediate abortion:

14 _____

15 REASON GIVEN FOR ABORTION (check all applicable):

16 Having a baby:

17 Would dramatically change the life of the mother: _____

18 Would interfere with the education of the mother: _____

19 Would interfere with the job/employment/career of the
20 mother: _____

21 Mother has other children or dependents: _____

22 Mother cannot afford the child: _____

23 Mother is unmarried: _____

24 Mother is a student or planning to be a student: _____

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

1 Mother does not want people to know that she had sex or became
2 pregnant: _____
3 Mother does not feel mature enough to raise a, or another,
4 child: _____
5 Husband or partner wants mother to have an abortion: _____
6 There may be possible problem affecting the health of the
7 fetus: _____
8 Physical health of the mother is at risk: _____
9 Parents want mother to have an abortion: _____
10 Emotional health of the mother is at risk: _____
11 Mother suffered from a medical emergency as defined in Section
12 ~~1-738.1~~ 1-738.1A of Title 63 of the Oklahoma Statutes: _____
13 Mother suffered from a medical emergency as defined in Section
14 1-745.2 of Title 63 of the Oklahoma Statutes: _____
15 Mother wanted a child of a different sex: _____
16 Abortion is necessary to avert the death of the mother: _____
17 Pregnancy was a result of forcible rape: _____
18 Pregnancy was a result of incest: _____
19 Other (specify): _____
20 Patient was asked why she is seeking an abortion, but she
21 declined to give a reason: _____
22 16. Method of payment (check one):
23 Private insurance: _____
24 Public health plan: _____

1 Medicaid: _____

2 Private pay: _____

3 Other (specify): _____

4 17. Type of private medical health insurance coverage, if any
5 (check one):

6 Fee-for-service insurance company: _____

7 Managed care company: _____

8 Other (specify): _____

9 18. Sum of fee(s) collected: _____

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

11 Full fee for abortion collected prior to or at the time the
12 patient was provided the information required under subsection A B
13 of Section 1-738.2 of Title 63 of the Oklahoma Statutes: _____

14 Partial fee for abortion collected prior to or at the time the
15 patient was provided the information required under subsection A B
16 of Section 1-738.2 of Title 63 of the Oklahoma Statutes: _____

17 Full fee for abortion collected at time the abortion was
18 performed: _____

19 Other (specify): _____

20 20. Specialty area of medicine of the physician: _____

21 At which hospital(s) did the physician have hospital privileges
22 at the time of the abortion?

23 _____

1 21. Was ultrasound equipment used before, during, or after the
2 performance of this abortion?

3 Before? _____ Vaginal, abdominal, or both? _____

4 How long prior to the abortion was the ultrasound performed?

5 _____

6 Was the mother under the effect of anesthesia at the time of the
7 ultrasound? _____

8 During? _____ Vaginal, abdominal, or both? _____

9 After? _____ Vaginal, abdominal, or both? _____

10 If an ultrasound was performed, what was the gestational age of
11 the fetus at the time of the abortion, as determined by the
12 ultrasound? _____

13 Attach to this form a copy or screenshot of the ultrasound,
14 intact with the date on which the ultrasound was performed, and with
15 the name of the mother redacted.

16 21A. If an ultrasound was not performed prior to the abortion,
17 was the reason for not performing an ultrasound a medical emergency
18 necessitating an immediate abortion:

19 To avert death: _____

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

22 Other reason: _____

23 22. If ultrasound equipment was used, was the ultrasound
24 performed by:

1 The physician performing the abortion: _____

2 A physician other than the physician performing the abortion:

3 _____

4 Other (specify): _____

5 23. Was the information required by paragraph 1 of subsection B
6 of Section 1-738.2 of Title 63 of the Oklahoma Statutes provided to
7 the mother? _____

8 a. If yes, was it provided:

9 In person: _____

10 By telephone: _____

11 b. Was it provided by:

12 A referring physician: _____

13 The physician performing the abortion: _____

14 An agent of a referring physician: _____

15 An agent of the physician performing the abortion: _____

16 24. Was the information required by paragraph 2 of subsection B
17 of Section 1-738.2 of Title 63 of the Oklahoma Statutes provided to
18 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 25. Did the mother avail herself of the opportunity to have the
4 printed materials described in Section 1-738.3 of Title 63 of the
5 Oklahoma Statutes mailed to her? _____

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

9 To avert death: _____

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

12 ~~27. Was the probable gestational age of the unborn child twenty~~
13 ~~(20) weeks or more? _____~~

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

17 ~~(1) If yes, was the information provided:~~

18 ~~In person: _____~~

19 ~~By telephone: _____~~

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

21 ~~A referring physician: _____~~

22 ~~An agent of a referring physician: _____~~

23 ~~The physician performing the abortion: _____~~

24

~~An agent of the physician performing the
abortion: _____~~

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

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

Was a determination of probable postfertilization age made as
required by Section 1-745.5 of Title 63 of the Oklahoma
Statutes? _____

a. If no, was the determination of probable
postfertilization age dispensed with:

To avert death: _____

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

b. If yes, what was the probable postfertilization age?

What was the method and basis of the determination?

What was the basis for the determination to perform
the abortion:

To avert death: _____

1 To avert substantial and irreversible impairment of a
2 major bodily function arising from continued
3 pregnancy: _____

4 Was the method of abortion used one that, in
5 reasonable medical judgment, provided the best
6 opportunity for the unborn child to survive? _____

7 If yes, was there an infant born alive as a result of
8 the abortion? _____

9 If no, what was the basis of the determination? _____

10 28. Was the abortion performed within the scope of employment
11 of an 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 physical
15 asset owned, leased, or controlled by this state, its agencies, or
16 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 _____

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

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

16 In person: _____

17 By mail: _____

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

23 If yes, how was it secured?

24 In person: _____

1 Other (specify): _____

2 34. If no notice was provided nor consent obtained, indicate
3 which 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~~ 1-738.1A of
7 Title 63 of the Oklahoma Statutes, existed: _____

8 Minor received judicial authorization to obtain abortion without
9 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 the
18 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: _____

23
24

1 37. If the female was a minor at the time of conception,
2 indicate 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
5 father were such that a violation of Section 1111, 1112, 1114 or
6 1123 of Title 21 or Section ~~7115~~ 843.5 of Title ~~10~~ 21 of the
7 Oklahoma Statutes occurred, was the rape or abuse reported to the
8 proper authorities? _____

9 39. Were the remains of the fetus after the abortion examined
10 to ensure that all such remains were evacuated from the mother's
11 body? _____

12 If the remains of the fetus were examined after the abortion,
13 what was the sex of the child, as determined from such examination?
14 _____

15 Was the sex of the child determined prior to the abortion?
16 _____

17 If so, by whom? _____

18 If so, by what method? _____

19 If the sex of the child was determined prior to the abortion,
20 was the mother given information of the child's sex prior to the
21 abortion? _____

22 40. If the abortion was performed without surgery but rather as
23 the result of the administration of chemicals, was the physician
24 present in the same room as the woman to whom the chemicals were

1 administered at the time any such chemicals were first administered?

2 _____

3 41. Prior to the pregnant woman giving informed consent to
4 having any part of the abortion performed or induced, if the
5 pregnancy was at least eight (8) weeks after fertilization, was the
6 pregnant woman told that it may be possible to make the embryonic or
7 fetal heartbeat of the unborn child audible for the pregnant woman
8 to hear? _____

9 Was the pregnant woman asked if she would like to hear the
10 heartbeat? _____

11 Was the embryonic or fetal heartbeat of the unborn child made
12 audible for the pregnant woman to hear, using a Doppler fetal
13 heart rate monitor? _____

14 If the response to any of the questions in this paragraph 41
15 was anything other than an unqualified YES, how was the
16 abortion performed in compliance with Sections 1-745.12 through
17 1-745.19 of Title 63 of the Oklahoma Statutes? _____

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

19 _____

20 (Name of physician)

21 _____

22 (Physician's license number)

23

24

1 NOTICE: In accordance with subsection F of Section ~~5~~ 1-738m of ~~this~~
2 ~~act~~ Title 63 of the Oklahoma Statutes, public reports based on this
3 form will not contain the name, address, hometown, county of
4 residence, or any other identifying information of any individual
5 female. The State Department of Health shall take care to ensure
6 that none of the information included in its public reports could
7 reasonably lead to the identification of any individual female about
8 whom information is reported or of any physician providing
9 information in accordance with the Statistical Abortion Reporting
10 Act. Such information is not subject to the Oklahoma Open Records
11 Act.

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

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-738m, is
18 amended to read as follows:

19 Section 1-738m. A. Beginning in 2013, by June 1 of each year,
20 the Department shall issue, on its stable Internet website, a public
21 Annual Abortion Report providing statistics for the previous
22 calendar year compiled from all of the reports covering that year
23 submitted in accordance with the Statistical Abortion Reporting Act.
24

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

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

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

10 2. The number of abortions classified by:

11 a. the state or foreign country of residence of the
12 mother,

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

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

15 3. The number of abortions classified by:

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

17 b. previous live births to the mother,

18 c. previous miscarriages, and

19 d. previous induced abortions;

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

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

22 6. The number of abortions resulting in an infant born alive;

23 of these, the number of cases in which life-sustaining measures were
24

1 taken; and a statistical summary of the length of survival of such
2 infants;

3 7. The number of cases in which anesthesia was administered to
4 the mother and the number of each type of anesthesia;

5 8. The number of cases in which anesthesia was administered to
6 the unborn child, and the number of each type of anesthesia and of
7 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
10 times each reported 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
18 coverage was 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;

23 14. Specialty area of medicine of the physician;

24

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

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

- 7 a. the physician performing the abortion,
- 8 b. a physician other than the physician performing the
9 abortion, or
- 10 c. other;

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

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

21 19. The number of females to whom the physician provided the
22 information in subparagraph a of paragraph 1 of subsection B of
23 Section 1-738.2 of ~~Title 63 of the Oklahoma Statutes~~ this title; of
24 that number, the number provided by telephone and the number

1 provided in person; and of each of those numbers, the number
2 provided in the capacity of a referring physician and the number
3 provided in the capacity of a physician who is to perform the
4 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~~ this title;
8 of that number, the number provided by telephone and the number
9 provided in person; of each of those numbers, the number provided in
10 the 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~~ this title
17 mailed to them; and of that number, the number who, based on the
18 submitted reports, 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~~ this title; of that
6 number:

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

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

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

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~~ this title; of that number, the number provided
10 personally as described in that section, and the number provided by
11 mail as described in that section, and of each of those numbers, the
12 number of females who, to the best of the information and belief of
13 the 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~~
17 this title; of that number, the number who were emancipated minors
18 and the number who suffered from a medical emergency, and of the
19 latter, the number of cases in which a parent was notified
20 subsequently and the number of cases in which a judicial waiver was
21 obtained. In the case of medical emergencies in which a parent was
22 informed subsequently, a statistical summary of the period of time
23 elapsed before 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 31. The number of abortions performed after which the remains
11 of the fetus after the abortion were examined to ensure that all
12 such remains were evacuated from the mother's body;

13 32. The number of male children aborted and female children
14 aborted, as determined from the examination of fetal remains after
15 abortion;

16 33. The number of male children aborted and female children
17 aborted, as determined by any method other than those reported in
18 paragraph 32 of this subsection;

19 34. The number of instances in which the mother was informed
20 prior to the abortion that the child to be aborted was a female;

21 35. The number of abortions performed without surgery but
22 rather as the results of the administration of chemicals;

23 36. The number of abortions performed as reported in paragraph
24 35 of this subsection, in which the physician was present in the

1 same room as the woman to whom the chemicals were administered at
2 the time any such chemicals were first administered;

3 37. The number of abortions performed for each hospital at
4 which the abortionist had hospital privileges at the time of the
5 abortion;

6 38. The number of abortions performed at which ultrasound
7 equipment was used before the abortion;

8 39. The number of abortions reported in paragraph 38 of this
9 subsection, during which the mother was under the effect of
10 anesthesia at the time of the ultrasound;

11 40. The number of abortions performed at which ultrasound
12 equipment was used during the abortion;

13 41. The number of abortions reported in paragraph 40 of this
14 subsection, during which the mother was under the effect of
15 anesthesia at the time of the ultrasound;

16 42. The number of abortions performed at which ultrasound
17 equipment was used after the abortion;

18 43. The number of abortions reported in paragraph 42 of this
19 subsection, during which the mother was under the effect of
20 anesthesia at the time of the ultrasound;

21 44. The mean gestational age of the fetus at the time of the
22 abortion, as determined by ultrasounds reported;

1 45. The number of abortions for which no determination of
2 probable postfertilization age was made as required by Section 1-
3 745.5 of this title; and

4 46. The number of abortions in which the pregnant woman was
5 told that it may be possible to make the embryonic or fetal
6 heartbeat of the unborn child audible for the pregnant woman to
7 hear; the number of abortions in which the pregnant woman was asked
8 if she would like to hear the heartbeat; and the number of abortions
9 in which the embryonic or fetal heartbeat of the unborn child was
10 made audible for the pregnant woman to hear, using a Doppler fetal
11 heart rate monitor.

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

- 20 1. The court appointed a guardian ad litem;
21 2. The court appointed counsel;
22 3. The judge issued an order authorizing an abortion without
23 parental notification or consent, and of those:
24

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

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

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

8 a. denials from which an appeal was filed,

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

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

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

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

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

3 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-738n, is
4 amended to read as follows:

5 Section 1-738n. A. The State Board of Medical Licensure and
6 Supervision and the State Board of Osteopathic Examiners shall
7 notify, by March 1, 2012, all physicians licensed to practice in
8 this state over whom they have licensure authority of the
9 requirements of the Statistical Abortion Reporting Act and of the
10 addresses of the pages on the State Department of Health's secure
11 Internet website providing access to the forms it requires and
12 instructions for their electronic submission. The respective Board
13 shall also notify each physician who subsequently becomes newly
14 licensed to practice in this state, at the same time as an official
15 notification to that physician, that the physician is so licensed.

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

1 Abortion Reporting Act who has not completed and electronically
2 submitted a form or report, or has submitted only an incomplete form
3 or report, more than one (1) year following the due date shall be
4 precluded from renewing his or her license until such fines are paid
5 in full and outstanding forms or reports are submitted, and may, in
6 an action brought by the State Department of Health, be directed by
7 a court of competent jurisdiction to electronically submit completed
8 forms or reports within a period stated by court order or be subject
9 to sanctions for civil contempt.

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

14 D. The Department, the State Board of Medical Licensure and
15 Supervision and the State Board of Osteopathic Examiners shall
16 ensure compliance with the Statistical Abortion Reporting Act and
17 shall verify the data provided by periodic inspections of places
18 where the Department, the State Board of Medical Licensure and
19 Supervision or the State Board of Osteopathic Examiners know or have
20 reason to believe abortions are performed.

21 E. The Department may promulgate rules in accordance with the
22 Administrative Procedures Act to alter the dates established by the
23 Statistical Abortion Reporting Act to achieve administrative
24 convenience, fiscal savings, or to reduce the burden of reporting

1 requirements, so long as the forms and reports are made available,
2 on its stable Internet website, to all licensed physicians in this
3 state, and the public reports described in Section ~~5~~ 1-738m of this
4 ~~act~~ title are issued at least once every year.

5 F. If the Department fails to issue the public reports
6 described in Section ~~5~~ 1-738m of this ~~act~~ title, an action pursuant
7 to Chapter 26 of Title 12 of the Oklahoma Statutes may be initiated.
8 If judgment is rendered in favor of the plaintiff in any action
9 described in this subsection, the court shall also render judgment
10 for a reasonable attorney fee in favor of the plaintiff against the
11 defendant. If judgment is rendered in favor of the defendant and
12 the court finds that the plaintiff's suit was frivolous and brought
13 in bad faith, the court shall also render judgment for a reasonable
14 attorney fee in favor of the defendant against the plaintiff.

15 G. If an abortion provider fails to submit any report required
16 pursuant to Section 1-738k of this title, upon the refusal, failure
17 or neglect of the State Commissioner of Health, within twenty (20)
18 days after written demand signed, verified and served upon the State
19 Department of Health by at least ten registered voters of the state,
20 to institute or diligently prosecute proper proceedings at law or in
21 equity to compel an abortion provider to submit any report required
22 pursuant to Section 1-738k of this title but not yet submitted to
23 the State Department of Health, any resident taxpayer of the state
24 after serving the notice aforesaid may in the name of the State of

1 Oklahoma as plaintiff, institute and maintain any proper action
2 which the State Department of Health might institute and maintain to
3 compel the abortion provider to file such report. If a court of
4 competent jurisdiction determines the claims to be meritorious, the
5 abortionist shall be compelled to file the report and to pay the
6 fee(s) prescribed in subsection B of this section, with costs and
7 reasonable attorney fees. If all claims stated by the resident
8 taxpayers in the written demand are determined in a court of
9 competent jurisdiction to be frivolous and brought in bad faith, the
10 resident taxpayers who signed such demand and who are parties to the
11 lawsuit in which such claims are determined to be frivolous and
12 brought in bad faith shall be jointly and severally liable for all
13 reasonable attorney fees and court costs incurred by the
14 abortionist.

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

18 If some or all of the provisions of Sections 1-738k, 1-738m and
19 1-738n of Title 63 of the Oklahoma Statutes, as amended by Sections
20 1, 2 and 3 of this act, are ever temporarily or permanently
21 restrained or enjoined by judicial order, these sections shall be
22 enforced as though such restrained or enjoined provisions had not
23 been adopted; provided, however, that whenever such temporary or
24 permanent restraining order or injunction is stayed or dissolved, or

1 otherwise ceases to have effect, such provisions shall have full
2 force and effect.

3 SECTION 5. This act shall become effective November 1, 2013.

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