

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2015

By: Roberts (Sean)

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2011, Section 1-738k, which relates to the  
9 Individual Abortion Form; adding certain questions to  
10 the Individual Abortion Form; amending 63 O.S. 2011,  
11 Section 1-738m, which relates to the Annual Abortion  
12 Report; adding certain information to the Annual  
13 Abortion Report; amending 63 O.S. 2011, Section 1-  
14 738n, which relates to certain notice requirements to  
15 physicians; permitting voters to institute  
16 proceedings if abortion provider fails to submit  
17 report; providing for attorney fees under certain  
18 conditions; and providing an effective date.

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

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

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

24 1. April 1, 2012; or

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

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

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

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

15 1. Mails the printed materials described in Section 1-738.3 of  
16 ~~Title 63 of the Oklahoma Statutes~~ this title to a female  
17 specifically to comply with division (1) of subparagraph d of  
18 paragraph 2 of subsection B of Section 1-738.2 of ~~Title 63 of the~~  
19 ~~Oklahoma Statutes~~ this title;

20 2. Gives or mails the printed materials described in Section 1-  
21 738.10 of ~~Title 63 of the Oklahoma Statutes~~ this title to a female  
22 specifically to comply with subsection A of Section 1-738.8 of ~~Title~~  
23 ~~63 of the Oklahoma Statutes~~ this title; or  
24

1           3. Provides notice to a parent in compliance with Section 1-  
2 740.2 of ~~Title 63 of the Oklahoma Statutes~~ this title,  
3 but does not subsequently perform an abortion on the female or  
4 minor, the physician shall electronically submit a completed  
5 Individual Abortion Form to the State Department of Health, and  
6 shall mark as "not applicable" those items of information that may  
7 accurately be provided only when an abortion is performed. The  
8 physician shall not submit such a form if the physician knows that  
9 an abortion was subsequently performed on the female or minor by  
10 another physician. Individual Abortion Forms required by this  
11 subsection shall be submitted by the last business day of the second  
12 calendar month following the calendar month in which the physician  
13 mails the printed materials or provides notice to a parent.

14           E. The Individual Abortion Form shall contain a notice  
15 containing an assurance that, in accordance with subsection F of  
16 Section ~~5~~ 1-738m of this ~~act~~ title, public reports based on the form  
17 submitted will not contain the name, address, hometown, county of  
18 residence, or any other identifying information of any individual  
19 female, that the State Department of Health will 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

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

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

6 Individual Abortion Form

7 (TO BE COMPLETED FOR EACH ABORTION PERFORMED)

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

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

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

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

12 (specify married, divorced, separated, widowed, or never  
13 married)

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

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

16 (specify highest year completed)

17 7. State or foreign country of residence of mother: \_\_\_\_\_

18 8. Total number of previous pregnancies of the mother: \_\_\_\_\_

19 Live Births: \_\_\_\_\_

20 Miscarriages: \_\_\_\_\_

21 Induced Abortions: \_\_\_\_\_

22 9. Approximate gestational age in weeks, as measured from the last  
23 menstrual period of the mother, of the unborn child subject to  
24 abortion: \_\_\_\_\_

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

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

2 15. Unless a medical emergency, as defined in Section ~~1-738.1~~ 1-  
3 738.1A, or as applicable, Section 1-745.2 of Title 63 of the  
4 Oklahoma Statutes, exists, the abortion provider or agent shall  
5 ask the pregnant female to provide, orally or in writing, the  
6 reason(s) she is seeking the abortion. If such a medical  
7 emergency exists, the abortion provider or agent shall specify  
8 on the form the condition which necessitated the immediate  
9 abortion: \_\_\_\_\_

10 REASON GIVEN FOR ABORTION (check all applicable):

11 Having a baby:

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

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

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

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

17 Mother cannot afford the child: \_\_\_\_\_

18 Mother is unmarried: \_\_\_\_\_

19 Mother is a student or planning to be a student: \_\_\_\_\_

20 Mother cannot afford child care: \_\_\_\_\_

21 Mother cannot afford the basic needs of life: \_\_\_\_\_

22 Mother is unemployed: \_\_\_\_\_

23 Mother cannot leave job to care for a baby: \_\_\_\_\_

24 Mother would have to find a new place to live: \_\_\_\_\_

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

1 There may be possible problem affecting the health of the  
2 fetus: \_\_\_\_\_  
3 Physical health of the mother is at risk: \_\_\_\_\_  
4 Parents want mother to have an abortion: \_\_\_\_\_  
5 Emotional health of the mother is at risk: \_\_\_\_\_  
6 Mother suffered from a medical emergency as defined in Section  
7 ~~1-738.1~~ 1-738.1A of Title 63 of the Oklahoma Statutes: \_\_\_\_\_  
8 Mother suffered from a medical emergency as defined in Section  
9 1-745.2 of Title 63 of the Oklahoma Statutes: \_\_\_\_\_  
10 Mother wanted a child of a different sex: \_\_\_\_\_  
11 Abortion is necessary to avert the death of the mother: \_\_\_\_\_  
12 Pregnancy was a result of forcible rape: \_\_\_\_\_  
13 Pregnancy was a result of incest: \_\_\_\_\_  
14 Other (specify): \_\_\_\_\_  
15 Patient was asked why she is seeking an abortion, but she  
16 declined to give a reason: \_\_\_\_\_  
17 16. Method of payment (check one):  
18 Private insurance: \_\_\_\_\_  
19 Public health plan: \_\_\_\_\_  
20 Medicaid: \_\_\_\_\_  
21 Private pay: \_\_\_\_\_  
22 Other (specify): \_\_\_\_\_  
23 17. Type of private medical health insurance coverage, if any  
24 (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  
7 patient was provided the information required under subsection A B  
8 of Section 1-738.2 of Title 63 of the Oklahoma Statutes: \_\_\_\_\_

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

12 Full fee for abortion collected at time the abortion was  
13 performed: \_\_\_\_\_

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

15 20. Specialty area of medicine of the physician: \_\_\_\_\_

16 \_\_\_\_\_

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

19 \_\_\_\_\_

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

22 Before? \_\_\_\_\_ Vaginal, abdominal, or both? \_\_\_\_\_

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

24 \_\_\_\_\_

1 Was the mother under the effect of anesthesia at the time of  
2 the ultrasound? \_\_\_\_\_

3 During? \_\_\_\_\_ Vaginal, abdominal, or both? \_\_\_\_\_

4 After? \_\_\_\_\_ Vaginal, abdominal, or both? \_\_\_\_\_

5 If an ultrasound was performed, what was the gestational age of  
6 the fetus at the time of the abortion, as determined by the  
7 ultrasound? \_\_\_\_\_

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

11 21.5A If an ultrasound was not performed prior to the abortion, was  
12 the reason for not performing an ultrasound a medical emergency  
13 necessitating an immediate abortion:

14 To avert death: \_\_\_\_\_

15 To avert substantial and irreversible impairment of a major  
16 bodily function arising from continued pregnancy: \_\_\_\_\_

17 Other reason: \_\_\_\_\_

18 22. If ultrasound equipment was used, was the ultrasound performed  
19 by:

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

21 A physician other than the physician performing the abortion:

22 \_\_\_\_\_

23 Other (specify): \_\_\_\_\_

24

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

4 a. If yes, was it provided:

5 In person: \_\_\_\_\_

6 By telephone: \_\_\_\_\_

7 b. Was it provided by:

8 A referring physician: \_\_\_\_\_

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

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

11 An agent of the physician performing the abortion:

12 \_\_\_\_\_

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

16 a. If yes, was it provided:

17 In person: \_\_\_\_\_

18 By telephone: \_\_\_\_\_

19 b. Was it provided by:

20 A referring physician: \_\_\_\_\_

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

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

23 An agent of the physician performing the abortion:

24 \_\_\_\_\_

1 25. Did the mother avail herself of the opportunity to have the  
2 printed materials described in Section 1-738.3 of Title 63 of  
3 the Oklahoma Statutes mailed to her? \_\_\_\_\_

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

8 To avert death: \_\_\_\_\_

9 To avert substantial and irreversible impairment of a major  
10 bodily function arising from continued pregnancy: \_\_\_\_\_

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

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

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

17 ~~In person: \_\_\_\_\_~~

18 ~~By telephone: \_\_\_\_\_~~

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

20 ~~A referring physician: \_\_\_\_\_~~

21 ~~An agent of a referring physician: \_\_\_\_\_~~

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

23 ~~An agent of the physician performing the~~  
24 ~~abortion: \_\_\_\_\_~~

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

4           ~~c. To the best of the information and belief of the~~  
5           ~~reporting physician, did the mother go on to obtain~~  
6           ~~the abortion? \_\_\_\_\_~~

7           Was a determination of probable postfertilization age made as  
8           required by Section 1-745.5 of Title 63 of the Oklahoma  
9           Statutes? \_\_\_\_\_

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

12          To avert death: \_\_\_\_\_

13          To avert substantial and irreversible impairment of a  
14          major bodily function arising from continued

15          pregnancy: \_\_\_\_\_

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

17          \_\_\_\_\_

18          What was the method and basis of the determination?

19          \_\_\_\_\_

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

22          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 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 \_\_\_\_\_

24

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~~ 1-738.1A of  
7 Title 63 of 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: \_\_\_\_\_

23

24

- 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~~ 843.5 of Title ~~10~~ 21 of the  
7 Oklahoma Statutes occurred, was the rape or abuse reported to  
8 the proper authorities? \_\_\_\_\_
- 9 39. Were the remains of the fetus after the abortion examined to  
10 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  
14 examination? \_\_\_\_\_
- 15 Was the sex of the child determined prior to the abortion?  
16 \_\_\_\_\_ If so, by whom? \_\_\_\_\_ If so, by what method? \_\_\_\_\_
- 17 If the sex of the child was determined prior to the abortion,  
18 was the mother given information of the child's sex prior to  
19 the abortion? \_\_\_\_\_
- 20 40. If the abortion was performed without surgery but rather as the  
21 result of the administration of chemicals, was the physician  
22 present in the same room as the woman to whom the chemicals  
23 were administered at the time any such chemicals were first  
24 administered? \_\_\_\_\_

1  
2 Filed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by:

3 \_\_\_\_\_  
4 (Name of physician)

5 \_\_\_\_\_  
6 (Physician's license number)

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

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

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

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

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

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

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

15 2. The number of abortions classified by:

16 a. the state or foreign country of residence of the  
17 mother,

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

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

20 3. The number of abortions classified by:

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

22 b. previous live births to the mother,

23 c. previous miscarriages, and

24 d. previous induced abortions;

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

1 c. other;

2 13. A statistical summary of the fees collected;

3 14. Specialty area of medicine of the physician;

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

8 16. The number of abortions before which an ultrasound was  
9 performed by:

10 a. the physician performing the abortion,

11 b. a physician other than the physician performing the  
12 abortion, or

13 c. other;

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

22 18. The number of abortions resulting in the reported death of  
23 the mother;

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

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

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

23 22. The number of abortions performed by the physician in which  
24 information otherwise required to be provided at least twenty-four

1 (24) hours before the abortion was not so provided because an  
2 immediate abortion was necessary to avert the death of the female,  
3 and the number of abortions in which such information was not so  
4 provided because a delay would create serious risk of substantial  
5 and irreversible impairment of a major bodily function;

6 23. The number of females to whom physicians or their agents  
7 provided the information described in subsection A of Section 1-  
8 738.8 of ~~Title 63 of the Oklahoma Statutes~~ this title; of that  
9 number:

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

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

23 24. The number of females to whom the information described in  
24 subsection A of Section 1-738.8 of ~~Title 63 of the Oklahoma Statutes~~

1 this title would have had to be provided but for a medical emergency  
2 determination; of that number, the number for whom an immediate  
3 abortion was necessary to avert the death of the female, and the  
4 number for whom a delay would have created serious risk of  
5 substantial and irreversible impairment of a major bodily function;

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

- 13 a. the number of abortions reported as necessary to save  
14 the life of the mother, the life-endangering  
15 conditions identified, and the number of each such  
16 condition reported,
- 17 b. the number of abortions reported from pregnancies  
18 resulting from forcible rape, the number of such rapes  
19 reported to law enforcement authorities, general  
20 categories of law enforcement authorities to whom  
21 reports were made and the number made to each  
22 category, and a statistical summary of the length of  
23 time between the dates of reporting to law enforcement  
24 authorities and the dates of the abortions, and

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

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

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

1 informed subsequently, a statistical summary of the period of time  
2 elapsed before notification;

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

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

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

12 31. The number of abortions performed after which the remains  
13 of the fetus after the abortion were examined to ensure that all  
14 such remains were evacuated from the mother's body;

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

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

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

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

1       36. The number of abortions performed as reported in paragraph  
2 35 of this subsection, in which the physician present in the same  
3 room as the woman to whom the chemicals were administered at the  
4 time any such chemicals were first administered;

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

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

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

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

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

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

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

23       44. The mean gestational age of the fetus at the time of the  
24 abortion, as determined by ultrasounds reported; and

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.

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

12            1. The court appointed a guardian ad litem;

13            2. The court appointed counsel;

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

16                    a. the number authorized due to a determination by the  
17 judge that the minor was mature and capable of giving  
18 consent to the proposed abortion, and

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

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

23                    a. denials from which an appeal was filed,  
24

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

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

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

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

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

21           Section 1-738n.   A.   The State Board of Medical Licensure and  
22 Supervision and the State Board of Osteopathic Examiners shall  
23 notify, by March 1, 2012, all physicians licensed to practice in  
24 this state over whom they have licensure authority of the

1 requirements of the Statistical Abortion Reporting Act and of the  
2 addresses of the pages on the State Department of Health's secure  
3 Internet website providing access to the forms it requires and  
4 instructions for their electronic submission. The respective Board  
5 shall also notify each physician who subsequently becomes newly  
6 licensed to practice in this state, at the same time as an official  
7 notification to that physician, that the physician is so licensed.

8       B. Individual Abortion Forms or Complications of Induced  
9 Abortion Reports that are not submitted by the end of a grace period  
10 of thirty (30) days following the due date shall be subject to a  
11 late fee of Five Hundred Dollars (\$500.00) for each additional  
12 thirty-day period the forms or reports are overdue. Any monies  
13 collected under this subsection shall be deposited into an account  
14 created within the Department, which shall be used for the  
15 administration of the Statistical Abortion Reporting Act. Any  
16 physician required to report in accordance with the Statistical  
17 Abortion Reporting Act who has not completed and electronically  
18 submitted a form or report, or has submitted only an incomplete form  
19 or report, more than one (1) year following the due date shall be  
20 precluded from renewing his or her license until such fines are paid  
21 in full and outstanding forms or reports are submitted, and may, in  
22 an action brought by the State Department of Health, be directed by  
23 a court of competent jurisdiction to electronically submit completed  
24

1 forms or reports within a period stated by court order or be subject  
2 to sanctions for civil contempt.

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

7 D. The Department, the State Board of Medical Licensure and  
8 Supervision and the State Board of Osteopathic Examiners shall  
9 ensure compliance with the Statistical Abortion Reporting Act and  
10 shall verify the data provided by periodic inspections of places  
11 where the Department, the State Board of Medical Licensure and  
12 Supervision or the State Board of Osteopathic Examiners know or have  
13 reason to believe abortions are performed.

14 E. The Department may promulgate rules in accordance with the  
15 Administrative Procedures Act to alter the dates established by the  
16 Statistical Abortion Reporting Act to achieve administrative  
17 convenience, fiscal savings, or to reduce the burden of reporting  
18 requirements, so long as the forms and reports are made available,  
19 on its stable Internet website, to all licensed physicians in this  
20 state, and the public reports described in Section ~~§~~ 1-738m of this  
21 ~~act~~ title are issued at least once every year.

22 F. If the Department fails to issue the public reports  
23 described in Section ~~§~~ 1-738m of this ~~act~~ title, an action pursuant  
24 to Chapter 26 of Title 12 of the Oklahoma Statutes may be initiated.

1 If judgment is rendered in favor of the plaintiff in any action  
2 described in this subsection, the court shall also render judgment  
3 for a reasonable attorney fee in favor of the plaintiff against the  
4 defendant. If judgment is rendered in favor of the defendant and  
5 the court finds that the plaintiff's suit was frivolous and brought  
6 in bad faith, the court shall also render judgment for a reasonable  
7 attorney fee in favor of the defendant against the plaintiff.

8 G. If an abortion provider fails to submit any report required  
9 pursuant to Section 1-738k of this title, upon the refusal, failure  
10 or neglect of the State Commissioner of Health, within twenty (20)  
11 days after written demand signed, verified and served upon the State  
12 Department of Health by at least ten registered voters of the state,  
13 to institute or diligently prosecute proper proceedings at law or in  
14 equity to compel an abortion provider to submit any report required  
15 pursuant to Section 1-738k of this title but not yet submitted to  
16 the State Department of Health, any resident taxpayer of the state  
17 after serving the notice aforesaid may in the name of the State of  
18 Oklahoma as plaintiff, institute and maintain any proper action  
19 which the State Department of Health might institute and maintain to  
20 compel the abortion provider to file such report, and the state or  
21 such county, city, town or school district shall in such event be  
22 made defendant. If a court of competent jurisdiction determines the  
23 claims to be meritorious, the abortionist shall be compelled to file  
24 the report and to pay the fee(s) prescribed in subsection B of this

1 section, with costs and reasonable attorney fees. If the claim is  
2 determined to be meritorious, and the abortion provider fails to pay  
3 the costs and reasonable attorney fees of the plaintiff or  
4 plaintiffs, the state shall be liable to the plaintiff or plaintiffs  
5 for reasonable attorney fees and court costs incurred in the  
6 prosecution of the action. If all claims stated by the resident  
7 taxpayers in the written demand are determined in a court of  
8 competent jurisdiction to be frivolous and brought in bad faith, the  
9 resident taxpayers who signed such demand and who are parties to the  
10 lawsuit in which such claims are determined to be frivolous and  
11 brought in bad faith shall be jointly and severally liable for all  
12 reasonable attorney fees and court costs incurred by the  
13 abortionist.

14 SECTION 4. This act shall become effective November 1, 2013.

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