

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2015

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

and

Loveless of the Senate

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2011, Section 1-738k, which relates to the Individual Abortion Form; adding certain questions to the Individual Abortion Form; amending 63 O.S. 2011, Section 1-738m, which relates to the Annual Abortion Report; adding certain information to the Annual Abortion Report; amending 63 O.S. 2011, Section 1-738n, which relates to certain notice requirements to physicians; permitting voters to institute proceedings if abortion provider fails to submit report; providing for attorney fees under certain conditions; providing certain sections be enforced in certain circumstances; providing for codification; 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: \_\_\_\_\_~~

~~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: \_\_\_\_\_

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

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

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

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

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

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

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

Whether parent was subsequently notified (state period of time elapsed before notice was given): \_\_\_\_\_

Whether judicial waiver of notice requirement was obtained: \_\_\_\_\_

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

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

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



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

- a. the number authorized due to a determination by the judge that the minor was mature and capable of giving consent to the proposed abortion, and
- b. the number authorized due to a determination by the judge that an abortion was in the best interest of the minor; and

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

- a. denials from which an appeal was filed,
- b. the appeals that resulted in the denial being affirmed, and
- c. appeals that resulted in reversals of the denials.

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

F. The Department's public reports shall not contain the name, address, hometown, county of residence, or any other identifying information of any individual female, and shall take care to ensure that none of the information included in its public reports could reasonably lead to the identification of any individual female about whom information is reported in accordance with the Statistical Abortion Reporting Act or of any physician providing information in 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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