

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2015

By: Roberts (Sean)

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; 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. 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

1 Abortion Form and instructions concerning its electronic submission
2 referenced in this section.

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

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

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

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

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

specifically to comply with subsection A of Section 1-738.8 of ~~Title 63 of the Oklahoma Statutes~~ this title; or

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

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

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

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

7 Individual Abortion Form

8 (TO BE COMPLETED FOR EACH ABORTION PERFORMED)

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

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

1 If yes:

2 What type? _____

3 How was it administered? _____

4 14. Method of fetal tissue disposal: _____

5 15. Unless a medical emergency, as defined in Section ~~1-738.1~~ 1-

6 738.1A, or as applicable, Section 1-745.2 of Title 63 of the

7 Oklahoma Statutes, exists, the abortion provider or agent shall

8 ask the pregnant female to provide, orally or in writing, the

9 reason(s) she is seeking the abortion. If such a medical

10 emergency exists, the abortion provider or agent shall specify

11 on the form the condition which necessitated the immediate

12 abortion: _____

13 REASON GIVEN FOR ABORTION (check all applicable):

14 Having a baby:

15 Would dramatically change the life of the mother: _____

16 Would interfere with the education of the mother: _____

17 Would interfere with the job/employment/career of the

18 mother: _____

19 Mother has other children or dependents: _____

20 Mother cannot afford the child: _____

21 Mother is unmarried: _____

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

23 Mother cannot afford child care: _____

24 Mother cannot afford the basic needs of life: _____

1 Mother is unemployed: _____

2 Mother cannot leave job to care for a baby: _____

3 Mother would have to find a new place to live: _____

4 Mother does not have enough support from a husband or partner:
5 _____

6 Husband or partner is unemployed: _____

7 Mother is currently or temporarily on welfare or public
8 assistance: _____

9 Mother does not want to be a single mother: _____

10 Mother is having relationship problems: _____

11 Mother is not certain of relationship with the father of the
12 child: _____

13 Partner and mother are unable to or do not want to get married:
14 _____

15 Mother is not currently in a relationship: _____

16 The relationship or marriage of the mother may soon break up:
17 _____

18 Husband or partner is abusive to the mother or her children:
19 _____

20 Mother has completed her childbearing: _____

21 Mother is not ready for a, or another, child: _____

22 Mother does not want people to know that she had sex or became
23 pregnant: _____

1 Mother does not feel mature enough to raise a, or another,
2 child: _____

3 Husband or partner wants mother to have an abortion: _____

4 There may be possible problem affecting the health of the
5 fetus: _____

6 Physical health of the mother is at risk: _____

7 Parents want mother to have an abortion: _____

8 Emotional health of the mother is at risk: _____

9 Mother suffered from a medical emergency as defined in Section
10 ~~1-738.1~~ 1-738.1A of Title 63 of the Oklahoma Statutes: _____

11 Mother suffered from a medical emergency as defined in Section
12 1-745.2 of Title 63 of the Oklahoma Statutes: _____

13 Mother wanted a child of a different sex: _____

14 Abortion is necessary to avert the death of the mother: _____

15 Pregnancy was a result of forcible rape: _____

16 Pregnancy was a result of incest: _____

17 Other (specify): _____

18 Patient was asked why she is seeking an abortion, but she
19 declined to give a reason: _____

20 16. Method of payment (check one):

21 Private insurance: _____

22 Public health plan: _____

23 Medicaid: _____

24 Private pay: _____

Other (specify): _____

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

Fee-for-service insurance company: _____

Managed care company: _____

Other (specify): _____

18. Sum of fee(s) collected: _____

19. Time of fee collection (check one):

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

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

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

Other (specify): _____

20. Specialty area of medicine of the physician: _____

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

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

Before? _____ Vaginal, abdominal, or both? _____

How long prior to the abortion was the ultrasound performed?

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

During? _____ Vaginal, abdominal, or both? _____

After? _____ Vaginal, abdominal, or both? _____

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

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

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

To avert death: _____

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

Other reason: _____

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

The physician performing the abortion: _____

1 A physician other than the physician performing the abortion:

2 _____

3 Other (specify): _____

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

7 a. If yes, was it provided:

8 In person: _____

9 By telephone: _____

10 b. Was it provided by:

11 A referring physician: _____

12 The physician performing the abortion: _____

13 An agent of a referring physician: _____

14 An agent of the physician performing the abortion:

15 _____

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

19 a. If yes, was it provided:

20 In person: _____

21 By telephone: _____

22 b. Was it provided by:

23 A referring physician: _____

24 An agent of a referring physician: _____

1 The physician performing the abortion: _____

2 An agent of the physician performing the abortion:

3 _____

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

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

11 To avert death: _____

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

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

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

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

20 ~~In person: _____~~

21 ~~By telephone: _____~~

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

23 ~~A referring physician: _____~~

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

~~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:

1 To avert death: _____

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

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

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

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

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

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

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

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

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

22 _____

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

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: _____

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, 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 41. Prior to the pregnant woman giving informed consent to having
2 any part of the abortion performed or induced, if the pregnancy
3 was at least eight (8) weeks after fertilization, was the
4 pregnant woman told that it may be possible to make the
5 embryonic or fetal heartbeat of the unborn child audible for
6 the pregnant woman to hear? _____
7 Was the pregnant woman asked if she would like to hear the
8 heartbeat? _____
9 Was the embryonic or fetal heartbeat of the unborn child made
10 audible for the pregnant woman to hear, using a Doppler fetal
11 heart rate monitor? _____
12 If the response to any of the questions in this paragraph 41
13 was anything other than an unqualified YES, how was the
14 abortion performed in compliance with Sections 1-745.12 through
15 1-745.19 of Title 63 of the Oklahoma Statutes? _____

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

17 _____

18 (Name of physician)

19 _____

20 (Physician's license number)

21 NOTICE: In accordance with subsection F of Section ~~5~~ 1-738m of ~~this~~
22 ~~act~~ Title 63 of the Oklahoma Statutes, public reports based on this
23 form will not contain the name, address, hometown, county of
24 residence, or any other identifying information of any individual

1 female. The State Department of Health shall take care to ensure
2 that none of the information included in its public reports could
3 reasonably lead to the identification of any individual female about
4 whom information is reported or of any physician providing
5 information in accordance with the Statistical Abortion Reporting
6 Act. Such information is not subject to the Oklahoma Open Records
7 Act.

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

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

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

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

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

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

6 2. The number of abortions classified by:

7 a. the state or foreign country of residence of the
8 mother,

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

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

11 3. The number of abortions classified by:

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

13 b. previous live births to the mother,

14 c. previous miscarriages, and

15 d. previous induced abortions;

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

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

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

19 of these, the number of cases in which life-sustaining measures were
20 taken; and a statistical summary of the length of survival of such
21 infants;

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

1 8. The number of cases in which anesthesia was administered to
2 the unborn child, and the number of each type of anesthesia and of
3 each method of administration;

4 9. The number of each reported method of fetal disposal;

5 10. The reasons reported for the abortions, and the number of
6 times each reported reason was cited;

7 11. The number of abortions paid for by:

- 8 a. private insurance,
- 9 b. public health plan,
- 10 c. Medicaid,
- 11 d. private pay, or
- 12 e. other;

13 12. The number of abortions in which medical health insurance
14 coverage was under:

- 15 a. a fee-for-service insurance company,
- 16 b. a managed care company, or
- 17 c. other;

18 13. A statistical summary of the fees collected;

19 14. Specialty area of medicine of the physician;

20 15. The number of abortions in which ultrasound equipment was
21 used before, during, or after the abortion, and the number of times
22 vaginal ultrasound, abdominal ultrasound, or both were used in each
23 of the three circumstances;

1 16. The number of abortions before which an ultrasound was
2 performed by:

- 3 a. the physician performing the abortion,
- 4 b. a physician other than the physician performing the
- 5 abortion, or
- 6 c. other;

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

15 18. The number of abortions resulting in the reported death of
16 the mother;

17 19. The number of females to whom the physician provided the
18 information in subparagraph a of paragraph 1 of subsection B of
19 Section 1-738.2 of ~~Title 63 of the Oklahoma Statutes~~ this title; of
20 that number, the number provided by telephone and the number
21 provided in person; and of each of those numbers, the number
22 provided in the capacity of a referring physician and the number
23 provided in the capacity of a physician who is to perform the
24 abortion;

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

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

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

22 23. The number of females to whom physicians or their agents
23 provided the information described in subsection A of Section 1-
24

1 738.8 of ~~Title 63 of the Oklahoma Statutes~~ this title; of that
2 number:

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

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

16 24. The number of females to whom the information described in
17 subsection A of Section 1-738.8 of ~~Title 63 of the Oklahoma Statutes~~
18 this title would have had to be provided but for a medical emergency
19 determination; of that number, the number for whom an immediate
20 abortion was necessary to avert the death of the female, and the
21 number for whom a delay would have created serious risk of
22 substantial and irreversible impairment of a major bodily function;

23 25. The number of abortions performed within the scope of
24 employment of Oklahoma state employees and employees of an agency or

1 political subdivision of the state, the number of abortions
2 performed with the use of public institutions, facilities,
3 equipment, or other physical assets owned, leased, or controlled by
4 this state, its agencies, or political subdivisions, and for each
5 category:

6 a. the number of abortions reported as necessary to save
7 the life of the mother, the life-endangering
8 conditions identified, and the number of each such
9 condition reported,

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

18 c. the number of abortions reported from pregnancies
19 resulting from incest committed against a minor, the
20 number of perpetrators of incest in such cases
21 reported to law enforcement authorities, general
22 categories of law enforcement authorities to whom
23 reports were made and the number made to each
24 category, and a statistical summary of the length of

1 time between the dates of reporting to law enforcement
2 authorities and the dates of the abortions;

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

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

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

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

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

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

8 32. The number of male children aborted and female children
9 aborted, as determined from the examination of fetal remains after
10 abortion;

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

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

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

18 36. The number of abortions performed as reported in paragraph
19 35 of this subsection, in which the physician was present in the
20 same room as the woman to whom the chemicals were administered at
21 the time any such chemicals were first administered;

22 37. The number of abortions performed for each hospital at
23 which the abortionist had hospital privileges at the time of the
24 abortion;

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

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

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

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

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

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

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

18 45. The number of abortions for which no determination of
19 probable postfertilization age was made as required by Section 1-
20 745.5 of this title; and

21 46. The number of abortions in which the pregnant woman was
22 told that it may be possible to make the embryonic or fetal
23 heartbeat of the unborn child audible for the pregnant woman to
24 hear; the number of abortions in which the pregnant woman was asked

1 if she would like to hear the heartbeat; and the number of abortions
2 in which the embryonic or fetal heartbeat of the unborn child was
3 made audible for the pregnant woman to hear, using a Doppler fetal
4 heart rate monitor.

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

13 1. The court appointed a guardian ad litem;

14 2. The court appointed counsel;

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

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

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

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

24 a. denials from which an appeal was filed,

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 ~~5~~ 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 ~~5~~ 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 all claims
2 stated by the resident taxpayers in the written demand are
3 determined in a court of competent jurisdiction to be frivolous and
4 brought in bad faith, the resident taxpayers who signed such demand
5 and who are parties to the lawsuit in which such claims are
6 determined to be frivolous and brought in bad faith shall be jointly
7 and severally liable for all reasonable attorney fees and court
8 costs incurred by the abortionist.

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

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