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To: Judiciary B

## HOUSE BILL NO. 1525

1 AN ACT TO BE KNOWN AS THE ABORTION COMPLICATION REPORTING  
2 ACT; TO REQUIRE PHYSICIANS TO FILE REGULAR REPORTS WITH THE STATE  
3 DEPARTMENT OF HEALTH REGARDING PATIENTS WHO REQUIRE MEDICAL  
4 TREATMENT OR SUFFER DEATH AS A RESULT OF AN ABORTION; TO REQUIRE  
5 THAT IDENTIFYING INFORMATION IN THE REPORTS SHALL BE KEPT  
6 CONFIDENTIAL; TO PROVIDE PENALTIES FOR WILLFUL VIOLATIONS OF THE  
7 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** This act shall be known and may be cited as the  
10 Abortion Complication Reporting Act.

11 **SECTION 2.** The Legislature finds and declares the following:

12 (a) There exists credible evidence that two (2) or  
13 three (3) Mississippi women per week suffer complications  
14 following abortions sufficient to require hospitalization. This  
15 evidence includes published reports of health care expenditures to  
16 treat women with complications following abortion as well as  
17 lawsuits filed by injured women.

18 (b) In two (2) separate decisions, the United States  
19 Supreme Court upheld the constitutionality of laws requiring  
20 reporting on abortions: in 1974 in *Planned Parenthood of Central*  
21 *Missouri v. Danforth*, and in 1992 in *Planned Parenthood of*  
22 *Southeastern Pennsylvania v. Casey*.

23 (c) The need for credible data on abortions and their  
24 complications is supported by The Alan Guttmacher Institute, an  
25 organization in support of abortion, in Volume 30, No. 5,  
26 September/November 1998, of their *Family Planning Perspectives*.

27 (d) With the intention of monitoring and protecting the  
28 health of Mississippi women and administering the expenditure of

29 health care funds in a fiscally responsible way, the Legislature  
30 enacts the reporting requirement in this act.

31 **SECTION 3.** As used in this act:

32 (a) "Abortion" has the meaning as defined in Section  
33 41-41-31.

34 (b) "Medical treatment" means but is not limited to  
35 hospitalization, laboratory tests, surgery, or prescription of  
36 drugs.

37 (c) "Department" means the State Department of Health.

38 **SECTION 4.** (1) a physician shall file a written report with  
39 the State Department of Health regarding each patient who comes  
40 under the physician's professional care and requires medical  
41 treatment or suffers death that the attending physician has a  
42 reasonable basis to believe is a primary, secondary, or tertiary  
43 result of an induced abortion.

44 (2) These reports shall be submitted on a monthly basis by  
45 the tenth day of the month following the beginning of treatment  
46 for the complication. Treatment requiring more than a month shall  
47 be reported and updated each month until the treatment has been  
48 completed.

49 (3) The department shall summarize aggregate data from the  
50 reports required under this section for purposes of inclusion into  
51 the annual Vital Statistics Report.

52 (4) The department shall develop and distribute or make  
53 available online in a downloadable format a standardized form for  
54 the report required under this section.

55 (5) The department shall communicate this reporting  
56 requirement to all medical professional organizations, licensed  
57 physicians, hospitals, emergency rooms, abortion facilities,  
58 Department of Health clinics and ambulatory surgical facilities  
59 operating in the state.

60 (6) The department shall destroy each individual report  
61 required by this section and each copy of the report after

62 retaining the report for five (5) years after the date the report  
63 is received.

64 (7) The report required under this section shall not contain  
65 the name of the woman, common identifiers such as her social  
66 security number or motor vehicle operator's license number or  
67 other information or identifiers that would make it possible to  
68 identify in any manner or under any circumstances an individual  
69 who has obtained or seeks to obtain an abortion. A state agency  
70 shall not compare data in an electronic or other information  
71 system file with data in another electronic or other information  
72 system that would result in identifying in any manner or under any  
73 circumstances an individual obtaining or seeking to obtain an  
74 abortion. Statistical information that may reveal the identity of  
75 a woman obtaining or seeking to obtain an abortion shall not be  
76 maintained.

77 (8) The department or an employee of the department shall  
78 not disclose to a person or entity outside the department the  
79 reports or the contents of the reports required under this section  
80 in a manner or fashion as to permit the person or entity to whom  
81 the report is disclosed to identify in any way the person who is  
82 the subject of the report.

83 (9) A person who discloses confidential identifying  
84 information in violation of this section is by guilty of a felony  
85 and, upon conviction, shall be punished by imprisonment in the  
86 State Penitentiary for not more than three (3) years, or a fine of  
87 not more than Five Thousand Dollars (\$5,000.00), or both.

88 **SECTION 5.** (1) Each report of medical treatment following  
89 abortion required under Section 4 of this act shall contain the  
90 following information:

91 (a) The age and race of the patient;

92 (b) The characteristics of the patient, including  
93 residency status, county of residence, marital status, education,  
94 number of living children and number of previous abortions;

95 (c) The date the abortion was performed and the method  
96 used if known;

97 (d) The name of the facility where the abortion was  
98 performed;

99 (e) The number of previous pregnancies and their  
100 outcome;

101 (f) the condition of the patient that led to treatment,  
102 including, but not limited to, pelvic infection, hemorrhage,  
103 damage to pelvic organs, renal failure, metabolic disorder, shock,  
104 embolism, coma or death.

105 (g) The amount billed to cover the treatment, including  
106 whether the treatment was billed to Medicaid, insurance, private  
107 pay or other method. This should include charges for physician,  
108 hospital, emergency room, prescription or other drugs, laboratory  
109 tests and any other costs for the treatment rendered.

110 (h) The charges are to be coded with IDC-9  
111 classification numbers in such a way as to distinguish treatment  
112 following induced abortions from treatments following extopic or  
113 molar pregnancies.

114 (2) Nothing in this act shall be construed as an instruction  
115 to discontinue collecting data currently being collected.

116 **SECTION 6.** Willful violation of the provisions of this act  
117 shall constitute a misdemeanor and shall be punishable as provided  
118 for by law. No hospital, its officers, employees or medical and  
119 nursing personnel practicing in the hospital shall be civilly  
120 liable for violation of the provisions of this act, except to the  
121 extent of liability for actual damages in a civil action for  
122 willful or reckless and wanton acts or omissions constituting that  
123 violation. However, that liability shall be subject to any  
124 immunities or limitations of liability or damages provided by law.

125 **SECTION 7.** The provisions of the act are declared to be  
126 severable, and if any provision, word, phrase, or clause of the  
127 act or the application thereof to any person is held invalid, the

128 invalidity shall not affect the validity of the remaining portions  
129 of this act.

130         **SECTION 8.** This act shall take effect and be in force from  
131 and after July 1, 2004.