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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.