

By: Representatives Wells-Smith, Akins,  
Aldridge, Barnett, Bentz, Chism, Davis,  
Ellington, Fillingane, Formby, Gunn, Hudson,  
Lott, Martinson, Mayhall, Mims, Moore,  
Nicholson, Parker, Reed, Reeves, Rotenberry,  
Staples, Turner

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
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. If the treatment is psychiatric, a report shall be  
49 submitted every ninety (90) days and a final report shall be made  
50 upon discharge of the patient.

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

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

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

62           (6) The department shall destroy each individual report  
63 required by this section and each copy of the report after  
64 retaining the report for five (5) years after the date the report  
65 is received.

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

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

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

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

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

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

97 (c) The date the abortion was performed and the method  
98 used if known;

99 (d) The name of the facility where the abortion was  
100 performed;

101 (e) The number of previous pregnancies and their  
102 outcome;

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

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

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

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

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

127           **SECTION 7.** The provisions of the act are declared to be  
128 severable, and if any provision, word, phrase, or clause of the  
129 act or the application thereof to any person is held invalid, the  
130 invalidity shall not affect the validity of the remaining portions  
131 of this act.

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