

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

HOUSE BILL NO. 1525
(As Sent to Governor)

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.** As used in this act:

12 (a) "Abortion" has the meaning as defined in Section
13 41-41-31.

14 (b) "Medical treatment" means, but is not limited to,
15 hospitalization, laboratory tests, surgery or prescription of
16 drugs.

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

18 **SECTION 3.** (1) A physician shall file a written report with
19 the State Department of Health regarding each patient who comes
20 under the physician's professional care and requires medical
21 treatment or suffers death that the attending physician has a
22 reasonable basis to believe is a primary, secondary, or tertiary
23 result of an induced abortion.

24 (2) These reports shall be submitted within thirty (30) days
25 of the discharge or death of the patient treated for the
26 complication.

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

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

33 (5) The department shall communicate this reporting
34 requirement to all medical professional organizations, licensed
35 physicians, hospitals, emergency rooms, abortion facilities,
36 Department of Health clinics and ambulatory surgical facilities
37 operating in the state.

38 (6) The department shall destroy each individual report
39 required by this section and each copy of the report after
40 retaining the report for five (5) years after the date the report
41 is received.

42 (7) The report required under this section shall not contain
43 the name of the woman, common identifiers such as her social
44 security number or motor vehicle operator's license number or
45 other information or identifiers that would make it possible to
46 identify in any manner or under any circumstances an individual
47 who has obtained or seeks to obtain an abortion. A state agency
48 shall not compare data in an electronic or other information
49 system file with data in another electronic or other information
50 system that would result in identifying in any manner or under any
51 circumstances an individual obtaining or seeking to obtain an
52 abortion. Statistical information that may reveal the identity of
53 a woman obtaining or seeking to obtain an abortion shall not be
54 maintained.

55 (8) The department or an employee of the department shall
56 not disclose to a person or entity outside the department the
57 reports or the contents of the reports required under this section
58 in a manner or fashion as to permit the person or entity to whom
59 the report is disclosed to identify in any way the person who is
60 the subject of the report.

61 (9) Disclosure of confidential identifying information in
62 violation of this section shall constitute a felony which, upon

63 conviction, shall be punished by imprisonment in the State
64 Penitentiary for not more than three (3) years, or a fine of not
65 more than Five Thousand Dollars (\$5,000.00), or both.

66 **SECTION 4.** (1) Each report of medical treatment following
67 abortion required under Section 4 of this act shall contain the
68 following information:

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

70 (b) The characteristics of the patient, including
71 residency status, county of residence, marital status, education,
72 number of previous pregnancies, number of stillbirths, number of
73 living children and number of previous abortions;

74 (c) The date the abortion was performed and the method
75 used if known;

76 (d) The type of facility where the abortion was
77 performed;

78 (e) The condition of the patient that led to treatment,
79 including, but not limited to, pelvic infection, hemorrhage,
80 damage to pelvic organs, renal failure, metabolic disorder, shock,
81 embolism, coma or death.

82 (f) The amount billed to cover the treatment of the
83 complication, including whether the treatment was billed to
84 Medicaid, insurance, private pay or other method. This should
85 include charges for physician, hospital, emergency room,
86 prescription or other drugs, laboratory tests and any other costs
87 for the treatment rendered.

88 (g) The charges are to be coded with IDC-9
89 classification numbers in such a way as to distinguish treatment
90 following induced abortions from treatments following ectopic or
91 molar pregnancies.

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

94 **SECTION 5.** Willful violation of the provisions of this act
95 shall constitute a misdemeanor and shall be punishable as provided

96 for by law, except that disclosure of confidential identifying
97 information shall constitute a felony as provided in subsection
98 (9) of Section 3 of this act. No physician or hospital, its
99 officers, employees or medical and nursing personnel practicing in
100 the hospital shall be civilly liable for violation of the
101 provisions of this act, except to the extent of liability for
102 actual damages in a civil action for willful or reckless and
103 wanton acts or omissions constituting that violation. However,
104 that liability shall be subject to any immunities or limitations
105 of liability or damages provided by law.

106 **SECTION 6.** The provisions of the act are declared to be
107 severable, and if any provision, word, phrase, or clause of the
108 act or the application thereof to any person is held invalid, the
109 invalidity shall not affect the validity of the remaining portions
110 of this act.

111 **SECTION 7.** This act shall take effect and be in force from
112 and after July 1, 2004.