

By: Senator(s) White

To: Public Health and Welfare

SENATE BILL NO. 2848

1 AN ACT ENTITLED THE "ABORTION COMPLICATION REPORTING ACT"; TO  
2 REQUIRE PHYSICIANS TO MAKE WRITTEN REPORTS TO THE STATE DEPARTMENT  
3 OF HEALTH ON MEDICAL TREATMENT OR DEATH WHICH IS THE RESULT OF AN  
4 INDUCED ABORTION; TO REQUIRE THE DEPARTMENT TO TAKE CERTAIN ACTION  
5 REGARDING SUCH REPORTS; TO PROVIDE CRIMINAL PENALTIES FOR  
6 DISCLOSING CONFIDENTIAL INFORMATION; TO PROVIDE DETAILS OF THE  
7 REPORTS; TO PROVIDE DEFINITIONS; TO PROVIDE CRIMINAL PENALTIES FOR  
8 FAILURE TO COMPLETE SUCH REPORTS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1. Title.**

11 This act may be cited as the "Abortion Complication Reporting  
12 Act."

13 **SECTION 2. Findings.**

14 The Legislature finds and declares the following:

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

21 (b) In two (2) separate decisions the U.S. Supreme  
22 Court upheld the constitutionality of laws requiring reporting on  
23 abortions. (1974, Planned Parenthood of Central Missouri v.  
24 Danforth, and 1992, Planned Parenthood of Southeastern  
25 Pennsylvania v. Casey.)

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

30 (d) In previous legislation (Section 25-43-1.101 et  
31 seq.) the Department of Health has been instructed to codify their  
32 regulations and procedures and this act is in accordance with  
33 those directives.

34 (e) With the intention of monitoring and protecting the  
35 health of Mississippi women and administering the expenditure of  
36 health care funds in a fiscally responsible way we enact this  
37 reporting requirement.

38 **SECTION 3. Abortion complications to be reported; entities**  
39 **responsible for reports, timing of reports, annual summary,**  
40 **availability of forms, publishing and communication of**  
41 **requirement, privacy protected.**

42 (1) A physician shall file a written report with the  
43 Department of Health regarding each patient who comes under the  
44 physician's professional care and requires medical treatment or  
45 suffers death that the attending physician has a reasonable basis  
46 to believe is a primary, secondary or tertiary result of an  
47 induced abortion.

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

53 (3) The Department of Health shall summarize aggregate data  
54 from the reports required under Section 3(1) for purposes of  
55 inclusion into the annual Vital Statistics Report.

56 (4) The department shall develop and distribute or make  
57 available online in a downloadable format a standardized form for  
58 the report required under Section 3(1).

59 (5) The department shall communicate this reporting  
60 requirement to all medical professional organizations, licensed  
61 physicians, hospitals, emergency rooms, abortion facilities,

62 Health Department clinics and ambulatory surgical facilities  
63 operating in the state.

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

68 (7) The report required under Section 3 shall not contain  
69 the name of the woman, common identifiers such as her social  
70 security number or motor vehicle operator's license number or  
71 other information or identifiers that would make it possible to  
72 identify in any manner or under any circumstances an individual  
73 who has obtained or seeks to obtain an abortion. A state agency  
74 shall not compare data in an electronic or other information  
75 system file with data in another electronic or other information  
76 system that would result in identifying in any manner or under any  
77 circumstances an individual obtaining or seeking to obtain an  
78 abortion. Statistical information that may reveal the identity of  
79 a woman obtaining or seeking to obtain an abortion shall not be  
80 maintained.

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

87 (9) A person who discloses confidential identifying  
88 information in violation of this section is guilty of a felony  
89 punishable, upon conviction, by imprisonment for not more than  
90 three (3) years, or a fine of not more than Five Thousand Dollars  
91 (\$5,000.00), or both.

92 **SECTION 4. Definitions.**

93 As used in this act:

94 (a) "Abortion" means that term as defined in Section  
95 41-7-173.

96 (b) "Medical treatment" means, but is not limited to,  
97 hospitalization, laboratory tests, surgery, prescription of drugs.

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

99 **SECTION 5. Details of data to be reported.**

100 (1) Each report of medical treatment following abortion  
101 required under Section 3 shall contain the following information:

102 (a) The age and race of the patient.

103 (b) The characteristics of the patient, including  
104 residency status, county of residence, marital status, education,  
105 number of living children, number of previous abortions.

106 (c) The date the abortion was performed and the method  
107 used, if known.

108 (d) The name of the facility where the abortion was  
109 performed.

110 (e) The number of previous pregnancies and their  
111 outcome.

112 (f) The condition of the patient which led to  
113 treatment, including, but not limited to, pelvic infection,  
114 hemorrhage, damage to pelvic organs, renal failure, metabolic  
115 disorder, shock, embolism, coma or death.

116 (g) The total amount billed to cover the treatment.  
117 Also indicate whether the treatment was billed to Medicaid,  
118 insurance, private pay or other method. This should include  
119 charges for physician, hospital, emergency room, prescription or  
120 other drugs, laboratory tests, and any other costs for the  
121 treatment rendered.

122 (h) The charges are to be coded with IDC-9  
123 classification numbers in such a way as to distinguish treatment  
124 following induced abortions from treatments following ectopic or  
125 molar pregnancies.

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

128 **SECTION 6. Failure to complete form; penalty.**

129 Willful violation of the provisions of this act shall  
130 constitute a misdemeanor and shall be punishable as provided for  
131 by law. No hospital, its officers, employees or medical and  
132 nursing personnel practicing therein, shall be civilly liable for  
133 violation of said sections except to the extent of liability for  
134 actual damages in a civil action for willful or reckless and  
135 wanton acts or omissions constituting such violation. Such  
136 liability shall be subject, however, to any immunities or  
137 limitations of liability or damages provided by law.

138 **SECTION 7. Severability.**

139 The provisions of this act are declared to be severable, and  
140 if any provision, word, phrase or clause of this act or the  
141 application thereof to any person shall be held invalid, such  
142 invalidity shall not affect the validity of the remaining portions  
143 of this act.

144 **SECTION 8. Effective date.**

145 This act shall take effect and be in force from and after  
146 July 1, 2004.