

REFERENCE TITLE: **abortion; reporting requirements**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1304

Introduced by
Senators Gray C, Pearce R; Representatives Gowan, Montenegro: Senators
Allen S, Harper, Melvin, Verschoor; Representatives Antenori, Burges,
Lesko, Nichols, Stevens, Weiers J

AN ACT

**AMENDING TITLE 36, CHAPTER 20, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;
RELATING TO ABORTION REPORTING REQUIREMENTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 20, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. ABORTION REPORTING REQUIREMENTS

5 36-2161. Abortions; reporting requirements

6 A. A HOSPITAL OR FACILITY IN THIS STATE WHERE ABORTIONS ARE PERFORMED
7 MUST SUBMIT TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT A REPORT
8 OF EACH ABORTION PERFORMED IN THE HOSPITAL OR FACILITY. THE REPORT MAY NOT
9 IDENTIFY THE INDIVIDUAL PATIENT BY NAME BUT MUST INCLUDE THE FOLLOWING
10 INFORMATION:

11 1. THE NAME AND ADDRESS OF THE FACILITY WHERE THE ABORTION WAS
12 PERFORMED.

13 2. THE TYPE OF FACILITY WHERE THE ABORTION WAS PERFORMED.

14 3. THE COUNTY WHERE THE ABORTION WAS PERFORMED.

15 4. THE WOMAN'S AGE.

16 5. THE WOMAN'S EDUCATIONAL BACKGROUND BY HIGHEST GRADE COMPLETED AND,
17 IF APPLICABLE, LEVEL OF COLLEGE COMPLETED.

18 6. THE COUNTY AND STATE IN WHICH THE WOMAN RESIDES.

19 7. THE WOMAN'S RACE AND ETHNICITY.

20 8. THE WOMAN'S MARITAL STATUS.

21 9. THE NUMBER OF PRIOR PREGNANCIES AND PRIOR ABORTIONS OF THE WOMAN.

22 10. THE NUMBER OF PREVIOUS SPONTANEOUS TERMINATIONS OF PREGNANCY OF THE
23 WOMAN.

24 11. THE GESTATIONAL AGE OF THE UNBORN CHILD AT THE TIME OF THE
25 ABORTION.

26 12. THE REASON FOR THE ABORTION, INCLUDING WHETHER THE ABORTION IS
27 ELECTIVE OR DUE TO MATERNAL OR FETAL HEALTH CONSIDERATIONS.

28 13. THE TYPE OF PROCEDURE PERFORMED OR PRESCRIBED AND THE DATE OF THE
29 ABORTION.

30 14. ANY PREEXISTING MEDICAL CONDITIONS OF THE WOMAN THAT WOULD
31 COMPLICATE PREGNANCY AND ANY KNOWN MEDICAL COMPLICATION THAT RESULTED FROM
32 THE ABORTION.

33 15. THE BASIS FOR ANY MEDICAL JUDGMENT THAT A MEDICAL EMERGENCY EXISTED
34 THAT EXCUSED THE PHYSICIAN FROM COMPLIANCE WITH THE REQUIREMENTS OF THIS
35 CHAPTER.

36 16. THE PHYSICIAN'S STATEMENT IF REQUIRED PURSUANT TO SECTION
37 36-2301.01.

38 17. IF APPLICABLE, THE WEIGHT OF THE ABORTED FETUS FOR ANY ABORTION
39 PERFORMED PURSUANT TO SECTION 36-2301.01.

40 B. THE REPORT MUST BE SIGNED BY THE PHYSICIAN WHO PERFORMED THE
41 ABORTION OR, IF A HEALTH PROFESSIONAL OTHER THAN A PHYSICIAN IS AUTHORIZED BY
42 LAW TO PRESCRIBE OR ADMINISTER ABORTION MEDICATION, THE SIGNATURE AND TITLE
43 OF THE PERSON WHO PRESCRIBED OR ADMINISTERED THE ABORTION MEDICATION. THE
44 FORM SHALL INDICATE THAT THE PERSON WHO SIGNS THE REPORT IS ATTESTING THAT
45 THE INFORMATION IN THE REPORT IS CORRECT. THE HOSPITAL OR FACILITY MUST

1 TRANSMIT THE REPORT TO THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER THE LAST DAY
2 OF EACH REPORTING MONTH.

3 36-2162. Complications; reporting requirements

4 A. A HEALTH PROFESSIONAL WHO PROVIDES MEDICAL CARE OR TREATMENT TO A
5 WOMAN WHO, IN THE GOOD FAITH JUDGMENT OF THE HEALTH PROFESSIONAL, IS IN NEED
6 OF MEDICAL CARE BECAUSE OF A COMPLICATION OR COMPLICATIONS RESULTING FROM
7 HAVING UNDERGONE AN ABORTION OR ATTEMPTED ABORTION MUST FILE A REPORT WITH
8 THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT WITHIN THIRTY DAYS
9 AFTER THE DATE OF THE HEALTH PROFESSIONAL'S FIRST EXAMINATION OF THE WOMAN.
10 THE REPORT MUST CONTAIN THE FOLLOWING INFORMATION AND OTHER INFORMATION AS
11 THE DEPARTMENT MAY REQUIRE:

- 12 1. THE DATE OF THE ABORTION.
- 13 2. THE WOMAN'S AGE.
- 14 3. THE NUMBER OF PREGNANCIES THE WOMAN MAY HAVE HAD BEFORE THE
15 ABORTION.
- 16 4. THE NUMBER AND TYPE OF ABORTIONS THE WOMAN MAY HAVE HAD BEFORE THIS
17 ABORTION.
- 18 5. THE NAME AND ADDRESS OF THE FACILITY WHERE THE ABORTION WAS
19 PERFORMED.
- 20 6. THE GESTATIONAL AGE OF THE UNBORN CHILD AT THE TIME OF THE
21 ABORTION, IF KNOWN.
- 22 7. THE TYPE OF ABORTION PERFORMED, IF KNOWN.
- 23 8. THE NATURE OF THE COMPLICATION OR COMPLICATIONS.
- 24 9. THE MEDICAL TREATMENT GIVEN.
- 25 10. THE NATURE AND EXTENT, IF KNOWN, OF ANY PERMANENT CONDITION CAUSED
26 BY THE COMPLICATION.

27 B. THE HOSPITAL OR FACILITY SHALL COMPLETE THE COMPLICATION REPORT,
28 WHICH SHALL INDICATE THAT THE PERSON WHO SIGNS THE REPORT IS ATTESTING THAT
29 THE INFORMATION IN THE REPORT IS CORRECT. THE HOSPITAL OR FACILITY MUST
30 TRANSMIT THE REPORT TO THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER THE LAST DAY
31 OF EACH REPORTING MONTH.

32 36-2163. Reports; confidentiality; annual statistical report;
33 violations; classification; unprofessional conduct

34 A. A REPORT REQUIRED BY THIS ARTICLE MAY NOT CONTAIN THE NAME OF THE
35 WOMAN, COMMON IDENTIFIERS SUCH AS THE WOMAN'S SOCIAL SECURITY NUMBER, DRIVER
36 LICENSE NUMBER OR INSURANCE CARRIER IDENTIFICATION NUMBERS OR ANY OTHER
37 INFORMATION OR IDENTIFIERS THAT WOULD MAKE IT POSSIBLE TO IDENTIFY IN ANY
38 MANNER OR UNDER ANY CIRCUMSTANCES AN INDIVIDUAL WHO HAS OBTAINED OR SEEKS TO
39 OBTAIN AN ABORTION.

40 B. THE DEPARTMENT SHALL COLLECT ALL ABORTION REPORTS AND COMPLICATION
41 REPORTS AND PREPARE A COMPREHENSIVE ANNUAL STATISTICAL REPORT BASED ON THE
42 DATA GATHERED IN THE REPORTS. THE STATISTICAL REPORT SHALL NOT LEAD TO THE
43 DISCLOSURE OF THE IDENTITY OF ANY PERSON FILING A REPORT OR ABOUT WHOM A
44 REPORT IS FILED. THE DEPARTMENT SHALL MAKE THE STATISTICAL REPORT AVAILABLE
45 ON ITS WEBSITE AND FOR PUBLIC INSPECTION AND COPYING.

1 C. THE REPORT PREPARED BY THE DEPARTMENT PURSUANT TO SUBSECTION B OF
2 THIS SECTION SHALL INCLUDE STATISTICS FROM THE ADMINISTRATIVE OFFICE OF THE
3 COURTS CONTAINING THE FOLLOWING INFORMATION:

4 1. THE NUMBER OF PETITIONS FILED PURSUANT TO SECTION 36-2152,
5 SUBSECTION B.

6 2. OF THE PETITIONS FILED PURSUANT TO SECTION 36-2152, SUBSECTION B,
7 THE NUMBER IN WHICH THE JUDGE APPOINTED A GUARDIAN AD LITEM OR
8 COURT-APPOINTED COUNSEL FOR THE MINOR PURSUANT TO SECTION 36-2152,
9 SUBSECTION D.

10 3. OF THE PETITIONS FILED PURSUANT TO SECTION 36-2152, SUBSECTION B,
11 THE NUMBER IN WHICH THE JUDGE ISSUED AN ORDER AUTHORIZING AN ABORTION WITHOUT
12 PARENTAL CONSENT.

13 4. OF THE PETITIONS FILED PURSUANT TO SECTION 36-2152, SUBSECTION B,
14 THE NUMBER IN WHICH THE JUDGE ISSUED AN ORDER DENYING THE PETITION.

15 5. OF THE PETITIONS DENIED, THE NUMBER APPEALED TO THE COURT OF
16 APPEALS.

17 6. THE NUMBER OF THOSE APPEALS THAT RESULTED IN THE DENIALS BEING
18 AFFIRMED.

19 7. THE NUMBER OF THOSE APPEALS THAT RESULTED IN THE DENIAL BEING
20 REVERSED.

21 D. EXCEPT FOR A STATISTICAL REPORT AS PROVIDED IN SUBSECTION B OF THIS
22 SECTION, A REPORT FILED PURSUANT TO THIS ARTICLE IS NOT A PUBLIC RECORD AND
23 IS NOT AVAILABLE FOR PUBLIC INSPECTION, EXCEPT THAT DISCLOSURE MAY BE MADE TO
24 LAW ENFORCEMENT OFFICIALS ON AN ORDER OF A COURT AFTER APPLICATION SHOWING
25 GOOD CAUSE. THE COURT MAY CONDITION DISCLOSURE OF THE INFORMATION ON ANY
26 APPROPRIATE SAFEGUARDS IT MAY IMPOSE.

27 E. ORIGINAL COPIES OF ALL REPORTS FILED PURSUANT TO SECTIONS 36-2161
28 AND 36-2162 SHALL BE AVAILABLE TO THE ARIZONA MEDICAL BOARD AND THE ARIZONA
29 BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY FOR USE IN THE
30 PERFORMANCE OF THEIR OFFICIAL DUTIES.

31 F. AN EMPLOYEE, AGENT OR CONTRACTOR OF THE DEPARTMENT WHO WILFULLY
32 DISCLOSES ANY INFORMATION OBTAINED FROM REPORTS FILED PURSUANT TO THIS
33 ARTICLE, OTHER THAN DISCLOSURE AUTHORIZED UNDER SUBSECTIONS C AND D OF THIS
34 SECTION OR AS OTHERWISE AUTHORIZED BY LAW, IS GUILTY OF A CLASS 3
35 MISDEMEANOR.

36 G. A PERSON WHO IS REQUIRED BY THIS ARTICLE TO FILE A REPORT, KEEP ANY
37 RECORDS OR SUPPLY ANY INFORMATION AND WHO WILFULLY FAILS TO FILE THAT REPORT,
38 KEEP RECORDS OR SUPPLY INFORMATION AS REQUIRED BY LAW IS GUILTY OF
39 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION.

40 H. A PERSON WHO WILFULLY DELIVERS OR DISCLOSES TO THE DEPARTMENT ANY
41 REPORT, RECORD OR INFORMATION KNOWN BY THAT PERSON TO BE FALSE COMMITS A
42 CLASS 1 MISDEMEANOR.

43 I. IN ADDITION TO THE PENALTIES PRESCRIBED BY SUBSECTIONS F, G AND H
44 OF THIS SECTION, A PERSON, ORGANIZATION OR FACILITY THAT HAS BEEN CONVICTED

1 OF WILFULLY VIOLATING THE REPORTING REQUIREMENTS OF THIS ARTICLE IS SUBJECT
2 TO THE FOLLOWING DISCIPLINARY ACTIONS BY THE APPROPRIATE LICENSING AUTHORITY:
3 1. A SIX MONTH LICENSE SUSPENSION FOR A FIRST VIOLATION.
4 2. A ONE YEAR LICENSE SUSPENSION FOR A SECOND VIOLATION.
5 3. REVOCATION OF LICENSE FOR THE THIRD VIOLATION.
6 36-2164. Construction of article
7 THIS ARTICLE DOES NOT ESTABLISH OR RECOGNIZE A RIGHT TO AN ABORTION AND
8 DOES NOT MAKE LAWFUL AN ABORTION THAT IS OTHERWISE UNLAWFUL.