

REFERENCE TITLE: **abortion reporting**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1550**

Introduced by  
Senator Verschoor

**AN ACT**

**AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2153; RELATING TO ABORTION.**

(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, article 1, Arizona Revised Statutes,  
3 is amended by adding section 36-2153, to read:

4 36-2153. Reporting requirements; confidentiality; violations;  
5 classification; definitions

6 A. TO PROMOTE MATERNAL HEALTH AND LIFE BY ADDING TO THE SUM OF MEDICAL  
7 AND PUBLIC HEALTH KNOWLEDGE THROUGH THE COMPILATION OF RELEVANT DATA, AND TO  
8 PROMOTE THIS STATE'S INTEREST IN PRESERVING UNBORN HUMAN LIFE AS RECOGNIZED  
9 BY THE UNITED STATES SUPREME COURT IN PLANNED PARENTHOOD V. CASEY, 505 U.S.  
10 833, 846 (1992), A REPORT OF EACH ABORTION PERFORMED SHALL BE MADE BY THE  
11 PHYSICIAN WHO PERFORMED THE ABORTION TO THE DEPARTMENT OF HEALTH SERVICES ON  
12 FORMS IT PRESCRIBES. NEITHER THE PHYSICIAN NOR THE REPORT FORMS SHALL  
13 IDENTIFY THE WOMAN WHO HAD THE ABORTION BY NAME, ADDRESS OR ANY OTHER  
14 IDENTIFYING INFORMATION. THE REPORT FORM SHALL INCLUDE THE FOLLOWING  
15 INFORMATION:

- 16 1. THE NAME OF THE PHYSICIAN PERFORMING THE ABORTION.
- 17 2. THE REFERRING AGENCY OR SERVICE, IF ANY.
- 18 3. THE ADDRESS OF THE FACILITY, INCLUDING THE COUNTY.
- 19 4. THE STATE AND COUNTY IN WHICH THE WOMAN RESIDES.
- 20 5. THE WOMAN'S AGE.
- 21 6. THE NUMBER OF PRIOR PREGNANCIES AND PRIOR ABORTIONS THE WOMAN HAS  
22 HAD.
- 23 7. THE GESTATIONAL AGE OF THE FETUS AT THE TIME OF THE ABORTION.
- 24 8. THE TYPE OF ABORTION PROCEDURE PERFORMED OR PRESCRIBED.
- 25 9. THE DATE OF THE ABORTION.
- 26 10. WHETHER THERE WERE ANY PREEXISTING MEDICAL CONDITIONS THAT WOULD  
27 COMPLICATE PREGNANCY.
- 28 11. MEDICAL COMPLICATIONS, IF ANY, WITH THE ABORTION.
- 29 12. THE PHYSICIAN'S STATEMENT, IF ANY, REQUIRED PURSUANT TO SECTION  
30 36-2301.01.
- 31 13. IF APPLICABLE, THE WEIGHT OF THE ABORTED FETUS FOR ANY ABORTION  
32 PERFORMED PURSUANT TO SECTION 36-2301.01.
- 33 14. THE DATE OF THE WOMAN'S LAST MENSTRUAL PERIOD.
- 34 15. THE NUMBER OF PREVIOUS LIVE BIRTHS.
- 35 16. THE NUMBER OF PREVIOUS ABORTIONS.
- 36 17. THE NUMBER OF PREVIOUS SPONTANEOUS TERMINATIONS OF PREGNANCY.
- 37 18. THE REASON FOR THE ABORTION, INCLUDING WHETHER THE ABORTION IS  
38 ELECTIVE OR DUE TO MATERNAL OR FETAL HEALTH CONSIDERATIONS.
- 39 19. SPECIFIC MATERNAL OR FETAL HEALTH CONSIDERATIONS, IF ANY.
- 40 20. THE WOMAN'S MARITAL STATUS.
- 41 21. THE WOMAN'S RACE AND ETHNICITY.
- 42 22. THE WOMAN'S EDUCATIONAL BACKGROUND BY HIGHEST GRADE COMPLETED AND,  
43 IF APPLICABLE, LEVEL OF COLLEGE COMPLETED.
- 44 23. IF THE WOMAN IS A MINOR, WHETHER THE REQUIREMENTS OF SECTION  
45 36-2152 HAVE BEEN MET.

1           24. WHETHER A MEDICAL EMERGENCY CAUSED THE PHYSICIAN TO WAIVE ANY OF  
2 THE REQUIREMENTS OF SECTION 36-2152 AND THE BASIS OF THE MEDICAL JUDGMENT OF  
3 A MEDICAL EMERGENCY.

4           25. THE PHYSICIAN'S SIGNATURE AFFIRMING THAT THE PHYSICIAN BELIEVES  
5 THAT THE REPORT IS CORRECT AND ACCURATE.

6           B. THE REPORT PRESCRIBED PURSUANT TO SUBSECTION A OF THIS SECTION  
7 SHALL BE COMPLETED, OR CAUSED TO BE COMPLETED, BY THE PHYSICIAN WHO PERFORMED  
8 THE ABORTION AND SHALL BE SIGNED BY THE PHYSICIAN WHO PERFORMED THE ABORTION  
9 WITHIN FORTY-EIGHT HOURS AFTER THE DAY OF THE ABORTION AND SHALL BE  
10 TRANSMITTED TO THE DEPARTMENT WITHIN FIFTEEN BUSINESS DAYS AFTER THE LAST DAY  
11 OF THE MONTH IN WHICH THE ABORTION WAS PERFORMED. IF THAT DAY FALLS ON A  
12 WEEKEND OR A HOLIDAY, THE REPORT SHALL BE TRANSMITTED TO THE DEPARTMENT ON  
13 THE NEXT BUSINESS DAY. THE SIGNATURE REQUIRED OF A PHYSICIAN PURSUANT TO  
14 THIS SECTION IS A REPRESENTATION THAT THE INFORMATION IN THE REPORT FORM IS  
15 CORRECT.

16           C. THE DEPARTMENT SHALL PREPARE A COMPREHENSIVE ANNUAL STATISTICAL  
17 REPORT BASED ON THE DATA GATHERED UNDER SUBSECTION A OF THIS SECTION. THE  
18 REPORT SHALL NOT DISCLOSE, AND SHALL KEEP CONFIDENTIAL, THE IDENTITY OF ANY  
19 PHYSICIAN FILING A REPORT OR ANY WOMAN ON WHOM AN ABORTION HAS BEEN  
20 PERFORMED. THE DEPARTMENT'S STATISTICAL REPORT PREPARED PURSUANT TO THIS  
21 SUBSECTION IS AVAILABLE FOR PUBLIC INSPECTION AND COPYING. IN ADDITION TO  
22 THE DUTY NOT TO DISCLOSE THE IDENTITY OF ANY WOMAN WHO HAS HAD AN ABORTION,  
23 THE DEPARTMENT SHALL NOT DISCLOSE THE IDENTITY OF A PHYSICIAN WHO IS REQUIRED  
24 TO FILE A REPORT PURSUANT TO THIS SECTION.

25           D. REPORTS FILED PURSUANT TO SUBSECTION A OF THIS SECTION ARE NOT  
26 PUBLIC RECORDS PURSUANT TO SECTION 39-121 AND ARE CONFIDENTIAL, EXCEPT THAT  
27 DISCLOSURE MAY BE MADE TO LAW ENFORCEMENT OFFICIALS ON AN ORDER OF A COURT  
28 AFTER APPLICATION SHOWING GOOD CAUSE. THE COURT MAY CONDITION DISCLOSURE OF  
29 THE INFORMATION ON ANY APPROPRIATE SAFEGUARDS IT MAY IMPOSE.

30           E. ORIGINAL COPIES OF ALL REPORTS FILED UNDER SUBSECTION A OF THIS  
31 SECTION ARE AVAILABLE TO THE ARIZONA MEDICAL BOARD FOR USE IN THE PERFORMANCE  
32 OF ITS DUTIES.

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

38           G. A PHYSICIAN WHO IS REQUIRED PURSUANT TO THIS SECTION TO FILE A  
39 REPORT, KEEP ANY RECORDS OR SUPPLY ANY INFORMATION AND WHO WILFULLY FAILS TO  
40 FILE THAT REPORT, KEEP RECORDS OR SUPPLY INFORMATION AT THE TIME OR TIMES  
41 REQUIRED BY LAW COMMITS AN ACT OF UNPROFESSIONAL CONDUCT AND IS SUBJECT TO  
42 SUSPENSION OR REVOCATION OF THAT PERSON'S PROFESSIONAL LICENSE.

43           H. A PHYSICIAN WHO WILFULLY DELIVERS OR DISCLOSES TO THE DEPARTMENT  
44 ANY REPORT, RECORD OR INFORMATION KNOWN BY THAT PERSON TO BE FALSE IS GUILTY  
45 OF A CLASS 1 MISDEMEANOR.

1 I. IN ADDITION TO THE PENALTIES PRESCRIBED IN THIS SECTION, A  
2 PHYSICIAN OR FACILITY THAT WILFULLY VIOLATES THIS SECTION REQUIRING REPORTING  
3 IS SUBJECT, ON CONVICTION, TO A SIX MONTH LICENSE SUSPENSION FOR THE FIRST  
4 VIOLATION, A ONE YEAR LICENSE SUSPENSION FOR THE SECOND VIOLATION AND  
5 REVOCATION OF THE LICENSE FOR A THIRD VIOLATION.

6 J. FOR THE PURPOSES OF THIS SECTION:

7 1. "ABORTION" MEANS THE USE OF AN INSTRUMENT, MEDICINE OR A DRUG OR  
8 OTHER SUBSTANCE OR DEVICE WITH THE INTENT TO TERMINATE A PREGNANCY FOR  
9 REASONS OTHER THAN TO INCREASE THE PROBABILITY OF A LIVE BIRTH, TO PRESERVE  
10 THE LIFE OR HEALTH OF THE CHILD AFTER A LIVE BIRTH, TO TERMINATE AN ECTOPIC  
11 PREGNANCY OR TO REMOVE A DEAD FETUS. ABORTION DOES NOT INCLUDE BIRTH CONTROL  
12 DEVICES OR ORAL CONTRACEPTIVES THAT INHIBIT OR PREVENT OVULATION OR  
13 FERTILIZATION.

14 2. "FETUS" MEANS ANY INDIVIDUAL HUMAN ORGANISM FROM FERTILIZATION  
15 UNTIL BIRTH.