

SECOND REGULAR SESSION

SENATE BILL NO. 792

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS DEMPSEY AND RUPP.

Read 1st time January 19, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4271S.011

AN ACT

To repeal sections 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof three new sections relating to abortion recordkeeping, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 188.052, 188.055, and 188.070, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 188.052,
3 188.055, and 188.070, to read as follows:

188.052. 1. An individual abortion report for each abortion performed or
2 induced upon a woman shall be completed by her attending physician. **The**
3 **report shall include the following:**

4 **(1) Information required by the United States Standard Report**
5 **of Induced Termination of Pregnancy published by the National Center**
6 **for Health Statistics, Centers for Disease Control and Prevention within**
7 **the United States Department of Health and Human Services, or its**
8 **successor publication or agency;**

9 **(2) Additional information on the type of abortion procedure**
10 **used, including the specific surgical or nonsurgical method or the**
11 **specific abortion-inducing drug or drugs employed, including but not**
12 **limited to: vacuum aspiration, suction curettage, sharp curettage,**
13 **dilation and evacuation (D&E), intact D&E, dilation and extraction**
14 **(D&X), intrauterine saline instillation, intrauterine prostaglandin**
15 **instillation, hysterotomy, methotrexate, mifepristone, or misoprostol;**

16 **(3) The reason or reasons the woman sought the abortion,**
17 **including specific medical, social, economic, or other factors, including**
18 **but not limited to: particular maternal health conditions, pregnancy**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **resulting from rape or incest, does not want other persons to know of**
20 **her pregnancy, other persons object to her pregnancy, has relationship**
21 **problems with the father of the child or other family members, lack of**
22 **financial support from the father of the child, disruption of education**
23 **or job, or desire to limit family size; and**

24 **(4) Whether the woman used any method of family planning**
25 **during the time she became pregnant, and if so, the specific method**
26 **employed.**

27 2. An individual complication report for any post-abortion care performed
28 upon a woman shall be completed by the physician providing such post-abortion
29 care. This report shall include **but not be limited to:**

30 (1) The date of the abortion;

31 (2) The name and address of the abortion facility or hospital where the
32 abortion was performed **or induced;**

33 (3) The nature of the abortion complication diagnosed or treated.

34 3. All abortion reports shall be signed by the attending physician, and
35 submitted to the [state] department [of health and senior services] within
36 forty-five days from the date of the abortion. All complication reports shall be
37 signed by the physician providing the post-abortion care and submitted to the
38 department [of health and senior services] within forty-five days from the date
39 of the post-abortion care.

40 4. A copy of the abortion report shall be made a part of the medical record
41 of the patient of the **abortion** facility or hospital in which the abortion was
42 performed **or induced.**

43 5. The [state] department [of health and senior services] shall be
44 responsible for collecting all abortion reports and complication reports and
45 collating and evaluating all data gathered therefrom and shall annually publish
46 a statistical report based on such data from abortions performed **or induced and**
47 **post-abortion care provided** in the previous calendar year. **The report shall**
48 **specify the gestational age, by weekly increments, at which abortions**
49 **were performed or induced. The report shall not include any**
50 **information that would allow the public to identify a specific:**

51 (1) **Patient who obtained an abortion or who received post-**
52 **abortion care;**

53 (2) **Physician who performed or induced an abortion or who**
54 **provided post-abortion care; or**

55 **(3) Hospital or abortion facility where the abortion was**
56 **performed or induced, or which provided post-abortion care.**

57 **6. The information shall be voluntarily provided by the woman**
58 **seeking or obtaining the abortion, but the abortion facility, hospital, or**
59 **physician shall make all reasonable efforts to collect the information**
60 **required by this section and shall in no way dissuade, hinder in any**
61 **way, or otherwise discourage the woman from providing the**
62 **information required by this section.**

188.055. 1. Every abortion facility, hospital, and physician shall be
2 supplied with forms by the department [of health and senior services] for use in
3 regards to the consents and reports required by sections 188.010 to 188.085. A
4 purpose and function of such consents and reports shall be the preservation of
5 maternal health and life by adding to the sum of medical knowledge through the
6 compilation of relevant maternal health and life data and to monitor all abortions
7 performed **or induced** to assure that they are done only under and in accordance
8 with the provisions of the law.

9 2. All information obtained by a physician, hospital, or abortion facility
10 from a patient for the purpose of preparing reports to the department [of health
11 and senior services] under sections 188.010 to 188.085 or reports received by the
12 [division of health] **department** shall be confidential and shall be used only for
13 statistical purposes. Such records, however, may be inspected and health data
14 acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain]
2 **knowingly violates** the confidentiality of any records [or], reports [required],
3 **or documents maintained by the hospital or abortion facility, or**
4 **received by the department** under sections 188.010 to 188.085 is guilty of a
5 [misdemeanor and, upon conviction, shall be punished as provided by law] **class**
6 **D felony.**

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