

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

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

CHAPTER 111

SENATE BILL 1304

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 OF HEALTH SERVICES ON A FORM PRESCRIBED BY THE
8 DEPARTMENT A REPORT OF EACH ABORTION PERFORMED IN THE HOSPITAL OR FACILITY.
9 THE REPORT SHALL NOT IDENTIFY THE INDIVIDUAL PATIENT BY NAME BUT MUST INCLUDE
10 THE FOLLOWING 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 MAY BE SIGNED ELECTRONICALLY AND SHALL INDICATE THAT THE PERSON WHO
45 SIGNS THE REPORT IS ATTESTING THAT THE INFORMATION IN THE REPORT IS CORRECT

1 TO THE BEST OF THE PERSON'S KNOWLEDGE. THE HOSPITAL OR FACILITY MUST
2 TRANSMIT THE REPORT TO THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER THE LAST DAY
3 OF EACH REPORTING MONTH.

4 C. ANY REPORT FILED PURSUANT TO THIS SECTION SHALL BE FILED
5 ELECTRONICALLY AT AN INTERNET WEBSITE THAT IS DESIGNATED BY THE DEPARTMENT
6 UNLESS THE PERSON REQUIRED TO FILE THE REPORT APPLIES FOR A WAIVER FROM
7 ELECTRONIC REPORTING BY SUBMITTING A WRITTEN REQUEST TO THE DEPARTMENT.

8 36-2162. Complications; reporting requirements

9 A. A HEALTH PROFESSIONAL WHO PROVIDES MEDICAL CARE OR TREATMENT TO A
10 WOMAN WHO, IN THE GOOD FAITH JUDGMENT OF THE HEALTH PROFESSIONAL, IS IN NEED
11 OF MEDICAL CARE BECAUSE OF A COMPLICATION OR COMPLICATIONS RESULTING FROM
12 HAVING UNDERGONE AN ABORTION OR ATTEMPTED ABORTION MUST FILE A REPORT WITH
13 THE DEPARTMENT OF HEALTH SERVICES ON A FORM PRESCRIBED BY THE DEPARTMENT.
14 THE REPORT SHALL NOT IDENTIFY THE INDIVIDUAL PATIENT BY NAME BUT MUST CONTAIN
15 THE FOLLOWING INFORMATION AND OTHER INFORMATION AS THE DEPARTMENT MAY
16 REQUIRE:

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

32 B. THE HOSPITAL OR FACILITY SHALL COMPLETE THE COMPLICATION REPORT,
33 WHICH MAY BE SIGNED ELECTRONICALLY AND SHALL INDICATE THAT THE PERSON WHO
34 SIGNS THE REPORT IS ATTESTING THAT THE INFORMATION IN THE REPORT IS CORRECT
35 TO THE BEST OF THAT PERSON'S KNOWLEDGE. THE HOSPITAL OR FACILITY MUST
36 TRANSMIT THE REPORT TO THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER THE LAST DAY
37 OF EACH REPORTING MONTH.

38 C. ANY REPORT FILED PURSUANT TO THIS SECTION SHALL BE FILED
39 ELECTRONICALLY AT AN INTERNET WEBSITE THAT IS DESIGNATED BY THE DEPARTMENT
40 UNLESS THE PERSON REQUIRED TO FILE THE REPORT APPLIES FOR A WAIVER FROM
41 ELECTRONIC REPORTING BY SUBMITTING A WRITTEN REQUEST TO THE DEPARTMENT.

42 36-2163. Reports; confidentiality; annual statistical report;
43 violations; classification; unprofessional conduct

44 A. A REPORT REQUIRED BY THIS ARTICLE SHALL NOT CONTAIN THE NAME OF THE
45 WOMAN, COMMON IDENTIFIERS SUCH AS THE WOMAN'S SOCIAL SECURITY NUMBER, DRIVER

1 LICENSE NUMBER OR INSURANCE CARRIER IDENTIFICATION NUMBERS OR ANY OTHER
2 INFORMATION OR IDENTIFIERS THAT WOULD MAKE IT POSSIBLE TO IDENTIFY IN ANY
3 MANNER OR UNDER ANY CIRCUMSTANCES AN INDIVIDUAL WHO HAS OBTAINED OR SEEKS TO
4 OBTAIN AN ABORTION.

5 B. THE DEPARTMENT OF HEALTH SERVICES SHALL COLLECT ALL ABORTION
6 REPORTS AND COMPLICATION REPORTS AND PREPARE A COMPREHENSIVE ANNUAL
7 STATISTICAL REPORT BASED ON THE DATA GATHERED IN THE REPORTS. THE
8 STATISTICAL REPORT SHALL NOT LEAD TO THE DISCLOSURE OF THE IDENTITY OF ANY
9 PERSON FILING A REPORT OR ABOUT WHOM A REPORT IS FILED. THE DEPARTMENT SHALL
10 MAKE THE STATISTICAL REPORT AVAILABLE ON ITS WEBSITE AND FOR PUBLIC
11 INSPECTION AND COPYING.

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

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

17 2. OF THE PETITIONS FILED PURSUANT TO SECTION 36-2152, SUBSECTION B,
18 THE NUMBER IN WHICH THE JUDGE APPOINTED A GUARDIAN AD LITEM OR
19 COURT-APPOINTED COUNSEL FOR THE MINOR PURSUANT TO SECTION 36-2152,
20 SUBSECTION D.

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

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

26 5. OF THE PETITIONS DENIED, THE NUMBER APPEALED TO THE COURT OF
27 APPEALS.

28 6. THE NUMBER OF THOSE APPEALS THAT RESULTED IN THE DENIALS BEING
29 AFFIRMED.

30 7. THE NUMBER OF THOSE APPEALS THAT RESULTED IN THE DENIAL BEING
31 REVERSED.

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

38 E. ORIGINAL COPIES OF ALL REPORTS FILED PURSUANT TO SECTIONS 36-2161
39 AND 36-2162 SHALL BE AVAILABLE TO THE ARIZONA MEDICAL BOARD AND THE ARIZONA
40 BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY FOR USE IN THE
41 PERFORMANCE OF THEIR OFFICIAL DUTIES. THE ARIZONA MEDICAL BOARD AND THE
42 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY SHALL MAINTAIN
43 THE CONFIDENTIALITY OF ANY REPORTS OBTAINED PURSUANT TO THIS SUBSECTION.

44 F. AN EMPLOYEE, AGENT OR CONTRACTOR OF THE DEPARTMENT WHO WILFULLY
45 DISCLOSES ANY INFORMATION OBTAINED FROM REPORTS FILED PURSUANT TO THIS

1 ARTICLE, OTHER THAN DISCLOSURE AUTHORIZED UNDER SUBSECTIONS B, D AND E OF
2 THIS SECTION OR AS OTHERWISE AUTHORIZED BY LAW, IS GUILTY OF A CLASS 3
3 MISDEMEANOR.

4 G. A PERSON WHO IS REQUIRED BY THIS ARTICLE TO FILE A REPORT, KEEP ANY
5 RECORDS OR SUPPLY ANY INFORMATION AND WHO WILFULLY FAILS TO FILE THAT REPORT,
6 KEEP RECORDS OR SUPPLY INFORMATION AS REQUIRED BY LAW IS GUILTY OF
7 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINE INCLUDING LICENSE
8 SUSPENSION OR REVOCATION.

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

12 I. IN ADDITION TO THE PENALTIES PRESCRIBED BY SUBSECTIONS F, G AND H
13 OF THIS SECTION, AN ORGANIZATION OR FACILITY THAT WILFULLY VIOLATES THE
14 REPORTING REQUIREMENTS OF THIS ARTICLE IS SUBJECT TO DISCIPLINE BY THE
15 DEPARTMENT INCLUDING THE SAME CIVIL PENALTIES AS PRESCRIBED IN SECTION
16 36-126.

17 36-2164. Construction of article

18 THIS ARTICLE DOES NOT ESTABLISH OR RECOGNIZE A RIGHT TO AN ABORTION AND
19 DOES NOT MAKE LAWFUL AN ABORTION THAT IS OTHERWISE UNLAWFUL.

APPROVED BY THE GOVERNOR APRIL 20, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2010.

Passed the House April 14, 2010,

by the following vote: 35 Ayes,

20 Nays, 5 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate March 22, 2010,

by the following vote: 17 Ayes,

12 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
15 day of April, 2010,

at 2:05 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 20th day of

April, 2010,

at 5:47 o'clock P. M.

[Signature]
Governor of Arizona

S.B. 1304

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 21st day of April, 2010,

at 10:06 o'clock a M.

[Signature]
Secretary of State