

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Thomas

A Bill

HOUSE BILL 1984

5
6
7 **For An Act To Be Entitled**
8 "ABORTION COMPLICATIONS REPORTING ACT."

9
10 **Subtitle**
11 "ABORTION COMPLICATIONS REPORTING ACT."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 SECTION 1. Short title.

16 This Act may be cited as the Abortion Complications Reporting Act.

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18 SECTION 2. Purpose.

19 The Legislature finds that in order to protect the public health and
20 safety, advance medical knowledge, and provide for a more informed citizenry,
21 accurate records of complications arising from abortions and of deaths caused
22 by abortions must be compiled and maintained. The purpose of this Act is to
23 obtain heretofore uncollected data on the effects of an operation that is
24 frequently performed in this State and that profoundly affects the lives of
25 its citizens.

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27 SECTION 3. Definitions.

28 For purposes of this Act:

29 (A) "Abortion" means the administration of any drug, device, potion,
30 medicine, or any other substance or the use of any instrument or any other
31 means whatsoever with the specific intent of terminating the life of a
32 preborn child or preborn children; abortion shall not be construed to include
33 any case in which the unintended death of a preborn child or preborn children
34 results from the use by a physician of a procedure which is necessary to save
35 the life of the mother or of the preborn child or preborn children, and which

1 is used for the express purpose of, and with the specific intent of, saving
2 the life of the mother or of the preborn child or preborn children; abortion
3 shall neither be construed to include spontaneous abortion nor the removal of
4 a preborn child who has died nor any therapeutic treatment or surgery
5 performed upon a preborn child or preborn children that unintentionally
6 results in the death of a preborn child or preborn children.

7 (B) "Patient" means any female who has received an abortion.

8 (C) "Physician" means any person licensed to practice medicine in this
9 state under the Arkansas Medical Practice Act.

10 (D) "Preborn child" means the human being in existence from the moment
11 of fertilization until birth.

12 (E) "Pregnancy" means that condition where a female carries within her
13 a preborn child or preborn children.

14 (F) "Complication" means any of the following:

15 (1) Miscarriage;

16 (2) Ectopic pregnancy;

17 (3) Premature or low birth-weight birth;

18 (4) Placenta previa or preeclampsia;

19 (5) Involuntary sterility;

20 (6) Any form of cancer of any reproductive or maternal organ or
21 system;

22 (7) Any other disease or dysfunction in or of any reproductive
23 organ or system, or in the area of any reproductive organ or system,
24 including, without limitation, hemorrhaging, infection, endocrine
25 dysfunction, cervical laceration, perforation or puncture of the uterus or
26 other organ, or incomplete abortion;

27 (8) Any emotional, psychological, or physical disease or
28 dysfunction not listed in Subsections 3(E)(1) through 3(E)(7) hereof or
29 defined by the Arkansas Department of Health pursuant to Subsection 3(E)(9)
30 herein, which disease or dysfunction the physician, in good faith, determines
31 to be associated with, or the result of, abortion;

32 (9) Any other disease or dysfunction that the Arkansas
33 Department of Health may define by regulation.

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35 SECTION 4. Reporting of complications.

1 (A) Every physician who diagnoses a patient under his or her care as
2 having any complication or complications shall report such a diagnosis, a
3 summary of the patient_s symptoms *and* the patient_s age to the Arkansas
4 Department of Health within a reasonable amount of time of such diagnosis and
5 in accordance with procedures established by the Arkansas Department of
6 Health. In addition to the foregoing and any other information that the
7 Arkansas Department of Health may require by regulation, the report shall
8 include the following, to the extent known:

9 (1) The gestational age of the preborn child or children at the
10 time of the patient_s most recent abortion;

11 (2) The method of abortion performed during the patient_s most
12 recent abortion;

13 (3) The number of pregnancies the patient may have had prior to
14 her most recent abortion;

15 (4) The number of abortions the patient received prior to her
16 most recent abortion, the method of abortion used in each such abortion, and
17 whether the patient_s first pregnancy was terminated by abortion;

18 (5) Whether the patient has suffered previously from, and/or is
19 receiving treatment elsewhere for, any complication, the number of such
20 complications, and a short description of all such complications and
21 treatment; and

22 (6) Whether the patient has any other emotional, psychological
23 and/or physical disease, dysfunction, symptom, and/or complaint, and a short
24 description thereof.

25 (B) If, while still under such physician_s care, any complication that
26 is the subject of the report causes the patient_s death or is a contributing
27 cause in the patient_s death, the physician shall file a supplemental report
28 in accordance with the procedures established by the Arkansas Department of
29 Health.

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31 SECTION 5. Reporting of deaths.

32 Any report of the death of a patient due to abortion or due to a
33 complication or complications associated with an abortion, regardless of the
34 length of time between the abortion and death, shall indicate that abortion
35 was the cause, or one of the causes, of death. The Arkansas Department of

1 Health shall issue regulations as necessary to assure that such information
2 is reported, conducting its own investigation, if necessary, in order to
3 ascertain such data.

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5 SECTION 6. Patient/physician relationship established.

6 For the purposes of this Act, a patient shall be deemed to have been
7 under the care of a physician when the physician performs an abortion upon
8 the patient or treats or examines the patient at any time subsequent to the
9 patient's first abortion.

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11 SECTION 7. Statistical reports, confidentiality.

12 The Arkansas Department of Health shall prepare an annual statistical
13 report for the Legislature based upon the data gathered under this Act during
14 the preceding calendar year. Such report shall neither disclose nor lead to
15 the disclosure of the identity of any patient whose complication or death is
16 included in the report. This annual statistical report shall be available
17 for public inspection and copying.

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19 SECTION 8. *Nothing in this act shall be construed to require the*
20 *reporting of the name of the patient, provider, facility or geographic*
21 *location to the Arkansas Department of Health.*

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23 SECTION 9. Discipline of physicians.

24 Any physician who violates any provision of this Act shall be subject
25 to discipline by the State Medical Board.

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27 SECTION 10. Disclosure of false information, penalty.

28 Any person required by this Act to file an abortion complication(s) or
29 death report to the Arkansas Department of Health who willfully violates this
30 Act or who discloses to the Arkansas Department of Health any report, record,
31 or information known by him or her to be false commits a class C misdemeanor.

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33 SECTION 11. Construction clause.

34 Nothing in this Act shall be construed as creating or recognizing any
35 right to legal abortion.

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SECTION 12. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 14. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Thomas

As Engrossed: 3/24/95

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