HOUSE BILL NO. HB0132

Reporting of abortions.

Sponsored by: Representative(s) Clem, Biteman, Edwards, Gray, Hallinan, Jennings, Laursen, Lone, Piiparinen, Salazar, Steinmetz and Winters and Senator(s) Barnard, Dockstader and Meier

A BILL

for

AN ACT relating to abortions; establishing additional requirements for abortion reporting; providing for a public report of abortion statistics; providing penalties for failure to report as required; specifying acts not meeting reporting requirements are acts of unprofessional conduct; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-6-107(a)(intro), by creating a new subsection (b), by amending and renumbering (b) as (c) and by creating new subsections (d) and (e) and 35-6-108 are amended to read:
35-6-107. Reporting abortions.

(a) The state office of vital records services shall establish an abortion reporting form which shall be used after May 27, 1977 for the reporting of every abortion performed or prescribed in this state. The form shall include the following items in addition to such other information as may be necessary to complete the form, but in no case shall information be required that would tend to disclose the identity of any individual participating in an abortion subject to subsection (b) of this section:

(b) Except as provided in this subsection, the form shall not contain the name or the address of the pregnant woman or any other common identifiers including a social security number, driver's license number or any other information or identifier that would tend to disclose the identity of the pregnant woman. The form shall contain a unique medical record identifying number to enable matching the report to the pregnant woman's medical records.

(c) The form shall be completed by the attending physician and sent to the state health officer as defined
in W.S. 9-2-103(e) within twenty (20) days after the abortion is performed. Any physician who fails to submit a form within fifty (50) days after an abortion is performed shall be subject to a late fee of one thousand dollars ($1,000.00) for each additional thirty (30) day period or portion of a thirty (30) day period the form is overdue.

(d) Any physician required to report in accordance with this section who has not submitted a form, or has submitted an incomplete form, more than six (6) months after the abortion is performed, may, in an action brought by the office of vital records services, be directed by a court of competent jurisdiction to submit a complete form within a period stated by court order or be subject to civil contempt.

(e) Intentional or reckless failure by a physician to conform to any requirement of this section, other than late filing of a form, or intentional or reckless failure by a physician to submit a complete form in accordance with a court order constitutes unprofessional or dishonorable conduct under W.S. 33-26-402(a)(xxvii). Intentional or reckless falsification by a physician of a form required
under this section is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars ($1,000.00), or both.

35-6-108. Compilations of abortions; matter of record; exception.

(a) The state office of vital records services shall prepare and after May 27, 1977 keep on file for seven (7) years compilations of the information submitted on the abortion reporting forms. The compilations shall be available only to a local, state or national public health official or a physician upon his written request as provided in this section. The state health officer, in order to maintain and keep such compilations current, shall file with the reports any new or amended information. The information submitted under W.S. 35-6-107 and compiled under this section shall not be stored in any computer.

(b) A report received under W.S. 35-6-107 shall be maintained in strict confidence by the state office of vital records services, shall not be available for public inspection and shall not be made available except to the
attorney general or a district attorney with appropriate jurisdiction pursuant to a criminal investigation or to the state board of medicine to enforce a finding of unprofessional conduct as provided in W.S. 35-6-107(e).

(c) Not later than June 30 of each year the office of vital records services shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in W.S. 35-6-107. The report shall also include the statistics for all previous calendar years during which this subsection was in effect, adjusted to reflect any additional information from late or corrected reports. The office shall ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced or attempted.

Section 2. This act is effective July 1, 2017.