

HOUSE BILL NO. 729
INTRODUCED BY J. LASZLOFFY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A FACILITY IN WHICH AN ABORTION IS PERFORMED MUST INCLUDE IN ITS REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES INFORMATION ON WHETHER OR NOT THE PREGNANCY WAS OR MAY HAVE BEEN CAUSED BY INCEST OR SEXUAL INTERCOURSE WITHOUT CONSENT, IF KNOWN; AND AMENDING SECTION 50-20-110, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-20-110, MCA, is amended to read:

"50-20-110. Reporting of practice of abortion. (1) Every facility in which an abortion is performed within the state shall keep on file upon a form prescribed by the department a statement dated and certified by the physician who performed the abortion setting forth ~~such~~ information with respect to the abortion ~~as that~~ the department ~~by regulation shall require~~ requires by rule, including but not limited to information on prior pregnancies, whether or not the pregnancy was or may have been caused by incest or sexual intercourse without consent, if known, the medical procedure employed to administer the abortion, the gestational age of the fetus, the vital signs of the fetus after abortion, if any, and if after viability, the medical procedures employed to protect and preserve the life and health of the fetus.

(2) The physician performing an abortion shall cause ~~such~~ pathology studies to be made in connection ~~therewith as with an abortion that the department shall require by regulation~~ requires by rule, and the facility shall keep the reports ~~thereof~~ on file.

(3) In connection with an abortion, the facility shall keep on file the original of each of the documents required by this chapter relating to informed consent, consent to abortion, certification of necessity of abortion to preserve the life or health of the mother, and certification of necessity of abortion to preserve the life of the mother.

(4) ~~Such~~ The facility shall, within 30 days after the abortion, file with the department a report upon a form prescribed by the department and certified by the custodian of the records or physician in charge of ~~such~~ the facility setting forth all of the information required in subsections (1), (2), and (3) ~~of this section~~, except ~~such~~ information ~~as that~~ would identify any individual involved with the abortion. The report ~~shall~~ must exclude copies

of any documents required to be filed by subsection (3) ~~of this section~~, but ~~shall~~ must certify that ~~such the~~ the documents were ~~duly~~ executed and are on file.

(5) All reports and documents required by this chapter ~~shall~~ must be treated with the confidentiality afforded to medical records, subject to ~~such disclosure as that~~ that is permitted by law. Statistical data not identifying any individual involved in an abortion ~~shall~~ must be made public by the department annually, and the report required by subsection (4) ~~of this section~~ to be filed with the department ~~shall~~ must be available for public inspection except ~~insofar as~~ to the extent that it identifies any individual involved in an abortion. Names and identities of persons submitting to abortion ~~shall~~ must remain confidential among medical and medical support personnel directly involved in the abortion and among persons working in the facility where the abortion was performed whose duties include billing the patient or submitting claims to an insurance company, keeping facility records, or processing abortion data required by state law.

(6) Violation of this section is a misdemeanor and is punishable as provided in 46-18-212."

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