

HOUSE BILL No. 2877

By Committee on Health and Human Services

2-10

9 AN ACT concerning abortion; written report thereon; amending K.S.A.
10 65-445 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 65-445 is hereby amended to read as follows: 65-
14 445. (a) Every medical care facility shall keep written records of all preg-
15 nancies which are lawfully terminated within such medical care facility
16 and shall annually submit a written report thereon to the secretary of
17 health and environment in the manner and form prescribed by the sec-
18 retary. Every person licensed to practice medicine and surgery shall keep
19 a record of all pregnancies which are lawfully terminated by such person
20 in a location other than a medical care facility and shall annually submit
21 a written report thereon to the secretary of health and environment in
22 the manner and form prescribed by the secretary.

23 (b) Each report required by this section shall include:

24 (1) The number of pregnancies terminated during the period of time
25 covered by the report;

26 (2) the type of medical facility in which the pregnancy was
27 terminated;

28 (3) information required to be reported under K.S.A. 65-6703 and
29 amendments thereto if applicable to the pregnancy terminated;

30 (4) *for abortions resulting in born alive infants, the mother's state of*
31 *residence, the mother's age, the mother's disability, if any, the number*
32 *and health outcomes of babies delivered and the baby's disabilities if de-*
33 *terminable at birth or diagnosed in utero; and*

34 (5) such other information as may be required by the secretary of
35 health and environment, but the report *required by this section* shall not
36 include the names of the persons whose pregnancies were so terminated.

37 (c) Information obtained by the secretary of health and environment
38 under this section shall be confidential and shall not be disclosed in a
39 manner that would reveal the identity of any person licensed to practice
40 medicine and surgery who submits a report to the secretary under this
41 section or the identity of any medical care facility which submits a report
42 to the secretary under this section, except that such information, including
43 information identifying such persons and facilities may be disclosed to

1 the state board of healing arts upon request of the board for disciplinary
2 action conducted by the board and may be disclosed to the attorney gen-
3 eral upon a showing that a reasonable cause exists to believe that a vio-
4 lation of this act has occurred. Any information disclosed to the state
5 board of healing arts or the attorney general pursuant to this subsection
6 shall be used solely for the purposes of a disciplinary action or criminal
7 proceeding. Except as otherwise provided in this subsection, information
8 obtained by the secretary under this section may be used only for statis-
9 tical purposes and such information shall not be released in a manner
10 which would identify any county or other area of this state in which the
11 termination of the pregnancy occurred. A violation of this subsection (c)
12 is a class A nonperson misdemeanor.

13 (d) In addition to such criminal penalty under subsection (c), any
14 person licensed to practice medicine and surgery or medical care facility
15 whose identity is revealed in violation of this section may bring a civil
16 action against the responsible person or persons for any damages to the
17 person licensed to practice medicine and surgery or medical care facility
18 caused by such violation.

19 (e) For the purpose of maintaining confidentiality as provided by sub-
20 sections (c) and (d), reports of terminations of pregnancies required by
21 this section shall identify the person or facility submitting such reports
22 only by confidential code number assigned by the secretary of health and
23 environment to such person or facility and the department of health and
24 environment shall maintain such reports only by such number.

25 Sec. 2. K.S.A. 65-445 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.