

1 AN ACT relating to the reporting of abortion related information to the Vital
2 Statistics Branch.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 213.101 is amended to read as follows:

5 (1) (a) Each abortion as defined in KRS 213.011 which occurs in the
6 Commonwealth, regardless of the length of gestation, shall be reported to the
7 Vital Statistics Branch by the person in charge of the institution within fifteen
8 (15) days after the end of the month in which the abortion occurred. If the
9 abortion was performed outside an institution, the attending physician shall
10 prepare and file the report within fifteen (15) days after the end of the month
11 in which the abortion occurred.

12 (b) The report shall include:

13 1. All the information the physician is required to certify in writing or
14 determine under KRS 311.731, 311.7704, 311.7705, 311.7706,
15 311.7707, 311.774, 311.782, and 311.783; and ~~and~~

16 2. *Verification of compliance with the certification requirement of KRS*
17 *311.727;*

18 but shall not include information *or verification* which will identify the
19 physician, woman, or man involved.

20 (c) If a person other than the physician described in this subsection makes or
21 maintains a record required by KRS 311.7704, 311.7705, 311.7706, or
22 311.7707 on the physician's behalf or at the physician's direction, that person
23 shall comply with the reporting requirement described in this subsection as if
24 the person were the physician.

25 (2) Each prescription issued for RU-486, cytotec, pitocin, mifeprex, misoprostol, or any
26 other drug or combination of drugs for which the primary indication is the induction
27 of abortion as defined in KRS 213.011 shall be reported to the Vital Statistics

1 Branch within fifteen (15) days after the end of the month in which the prescription
2 was issued as required by KRS 311.774, but the report shall not include information
3 which will identify the woman involved or anyone who may be picking up the
4 prescription on behalf of the woman.

5 (3) The name of the person completing the report and the reporting institution shall not
6 be subject to disclosure under KRS 61.870 to 61.884.

7 (4) By September 30 of each year, the Vital Statistics Branch shall issue a public report
8 that provides statistics on all data collected, including the type of abortion procedure
9 used, for the previous calendar year compiled from all of the reports covering that
10 calendar year submitted to the cabinet in accordance with this section for each of the
11 items listed in subsections (1) and (2) of this section. Each annual report shall also
12 provide statistics for all previous calendar years in which this section was in effect,
13 adjusted to reflect any additional information from late or corrected reports. The
14 Vital Statistics Branch shall ensure that none of the information included in the
15 report could reasonably lead to the identification of any pregnant woman upon
16 whom an abortion was performed or attempted. Each annual report shall be made
17 available on the cabinet's Web site.

18 (5) (a) Any person or institution who fails to submit a report by the end of thirty (30)
19 days following the due date set in subsections (1) and (2) of this section shall
20 be subject to a late fee of five hundred dollars (\$500) for each additional thirty
21 (30) day period or portion of a thirty (30) day period the report is overdue.

22 (b) Any person or institution who fails to submit a report, or who has submitted
23 only an incomplete report, more than one (1) year following the due date set in
24 subsections (1) and (2) of this section, may in a civil action brought by the
25 Vital Statistics Branch be directed by a court of competent jurisdiction to
26 submit a complete report within a time period stated by court order or be
27 subject to contempt of court.

- 1 (c) Failure by any physician to comply with the requirements of this section, other
2 than filing a late report, or to submit a complete report in accordance with a
3 court order shall subject the physician to KRS 311.595.
- 4 (6) Intentional falsification of any report required under this section is a Class A
5 misdemeanor.
- 6 (7) The Vital Statistics Branch shall promulgate administrative regulations in
7 accordance with KRS Chapter 13A to assist in compliance with this section.
- 8 **(8) (a) As a health oversight activity, the Office of the Auditor of Public Accounts**
9 **may audit the reporting of abortion-related information required by this**
10 **section, and in so doing, shall function as a health oversight agency of the**
11 **Commonwealth for this specific purpose.**
- 12 **(b) The Vital Statistics Branch shall reimburse the Auditor of Public Accounts**
13 **for the cost of the audit authorized by this subsection, including the cost of**
14 **any contracted professional services.**
- 15 **(c) The Auditor of Public Accounts shall ensure that none of the information**
16 **included in the audit report could reasonably lead to the identification of**
17 **any pregnant woman upon whom an abortion was performed or attempted.**
- 18 **(d) If any personally identifiable information is viewed or recorded by the**
19 **Auditor of Public Accounts in conducting an audit authorized by this**
20 **subsection, the information held by the Auditor shall not be subject to the**
21 **Kentucky Open Records Act, shall be confidential, and shall only be**
22 **released upon court order.**
- 23 **(e) The authority of the Auditor of Public Accounts established in KRS 43.080**
24 **relative to state agencies shall be extended to any person or entity required**
25 **to report under this section for the purposes of conducting the audit**
26 **authorized by this subsection.**