

HOUSE BILL No. 2876

By Committee on Health and Human Services

2-10

9 AN ACT concerning public health; relating to the reporting of statistical
10 data regarding termination of pregnancies; amending K.S.A. 65-445
11 and repealing the existing section.
12

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

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

24 (b) Each report required by this section shall include the number of
25 pregnancies terminated during the period of time covered by the report,
26 the type of medical facility in which the pregnancy was terminated, in-
27 formation required to be reported under K.S.A. 65-6703 and amend-
28 ments thereto if applicable to the pregnancy terminated, and such other
29 information as may be required by the secretary of health and environ-
30 ment, but the report shall not include the names of the persons whose
31 pregnancies were so terminated.

32 (c) *Each report required by this section shall also include:*

33 (1) *Detailed reasons for late-term termination of a pregnancy;*

34 (2) *the disability status, if any, of the pregnant female terminating a*
35 *pregnancy;*

36 (3) *details disclosing the specific fetal anomalies, including, but not*
37 *limited to, diagnoses of Down syndrome or other disabilities that were*
38 *made about the fetus;*

39 (4) *the number of teens terminating pregnancies by their state of res-*
40 *idence.*

41 ~~(d)~~ (d) Information obtained by the secretary of health and environ-
42 ment under this section shall be confidential and shall not be disclosed
43 in a manner that would reveal the identity of any person licensed to

1 practice medicine and surgery who submits a report to the secretary un-
2 der this section or the identity of any medical care facility which submits
3 a report to the secretary under this section, except that such information,
4 including information identifying such persons and facilities may be dis-
5 closed to the state board of healing arts upon request of the board for
6 disciplinary action conducted by the board and may be disclosed to the
7 attorney general upon a showing that a reasonable cause exists to believe
8 that a violation of this act has occurred. Any information disclosed to the
9 state board of healing arts or the attorney general pursuant to this sub-
10 section shall be used solely for the purposes of a disciplinary action or
11 criminal proceeding. Except as otherwise provided in this subsection, in-
12 formation obtained by the secretary under this section may be used only
13 for statistical purposes and such information shall not be released in a
14 manner which would identify any county or other area of this state in
15 which the termination of the pregnancy occurred. A violation of this sub-
16 section (c) is a class A nonperson misdemeanor.

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

23 ~~(c)~~ (f) For the purpose of maintaining confidentiality as provided by
24 subsections (c) and (d), reports of terminations of pregnancies required
25 by this section shall identify the person or facility submitting such reports
26 only by confidential code number assigned by the secretary of health and
27 environment to such person or facility and the department of health and
28 environment shall maintain such reports only by such number.

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

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