

HOUSE BILL NO. HB0103

Reporting of abortions.

Sponsored by: Representative(s) Clem, Edwards, Jennings,
Salazar and Wilson and Senator(s) Steinmetz

A BILL

for

1 AN ACT relating to abortions; establishing additional
2 requirements for abortion reporting; providing for a public
3 report of abortion statistics; providing penalties for
4 failure to report as required; specifying that failure to
5 report as required is unprofessional conduct; and providing
6 for an effective date.

7

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

9

10 **Section 1.** W.S. 35-6-107(a)(intro), (i), (ii), (v), by
11 creating a new subsection (b), by amending and renumbering
12 (b) as (c) and by creating new subsections (d) through (f)
13 and 35-6-108 are amended to read:

14

15 **35-6-107. Forms for reporting abortions.**

1

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

11

12 (i) The age, race, ethnicity and marital status of
13 the pregnant woman;

14

15 (ii) The type of procedure performed or prescribed
16 including but not limited to surgical abortion, intrauterine
17 instillation, hysterectomy, hysterotomy or medical abortion
18 through a nonsurgical procedure administered by a
19 pharmaceutical agent;

20

21 (v) The gestational age of the aborted fetus or
22 embryo in completed weeks at the time of abortion and the

1 length and weight of the aborted fetus or embryo, when
2 measurable;

3

4 (b) Except as provided in subsection (a) of this
5 section, the form shall not contain the name or the address
6 of the pregnant woman or any other common identifiers
7 including a social security number, driver's license number
8 or any other information or identifier that would tend to
9 disclose the identity of the pregnant woman.

10

11 ~~(b)~~(c) The form shall be completed by the attending
12 physician and ~~sent~~submitted to the state health officer as
13 defined in W.S. 9-2-103(e) within twenty (20) days after the
14 abortion is performed. Any physician who fails to submit a
15 form within thirty (30) days after the date the form is due
16 under this subsection shall be subject to a late fee of one
17 thousand dollars (\$1,000.00) and an additional fee of one
18 thousand dollars (\$1,000.00) for each additional thirty (30)
19 day period or portion of a thirty (30) day period that the
20 form remains overdue. Late fees under this subsection shall
21 be deposited in the common school account provided by W.S.
22 9-4-310(a)(vii).

23

1 (d) Any physician required to report under this section
2 who has not submitted a form, or has submitted an incomplete
3 form, more than six (6) months after the abortion is
4 performed, may, in an action brought by the office of vital
5 records services, be directed by the board of medicine to
6 submit a complete form within a period stated by the board or
7 be subject to disciplinary action.

8
9 (e) Intentional or reckless failure by a physician to
10 conform to any requirement of this section, other than late
11 filing of a form, or intentional or reckless failure by a
12 physician to submit a complete form as directed by the board
13 of medicine constitutes unprofessional or dishonorable
14 conduct under W.S. 33-26-402(a)(xxvii). Intentional
15 falsification by a physician of a form required under this
16 section is a misdemeanor punishable by imprisonment for not
17 more than one (1) year, a fine of not more than one thousand
18 dollars (\$1,000.00), or both.

19
20 (f) The board of medicine may waive any late fees under
21 this section upon the petition of a physician to the board of
22 medicine. The board shall notify the state office of vital
23 records of any fees waived under this subsection.

1

2 **35-6-108. Compilations of abortions; matter of record;**
3 **exception.**

4

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

16

17 (b) An abortion reporting form received under W.S.
18 35-6-107 shall be maintained in strict confidence by the state
19 office of vital records services, shall not be a public record
20 and shall not be made available except to the attorney general
21 or a district attorney with appropriate jurisdiction pursuant
22 to a criminal investigation or to the state board of medicine

1 to enforce a finding of unprofessional conduct as provided in
2 W.S. 35-6-107(e).

3
4 (c) Not later than June 30 of each year the office of
5 vital records services shall issue a public report providing
6 statistics for the previous calendar year compiled from all
7 of the abortion reporting forms from that year submitted in
8 accordance with this section for each of the items listed in
9 W.S. 35-6-107. The report shall also include the statistics
10 for all previous calendar years during which this subsection
11 was in effect, adjusted to reflect any additional information
12 from late or corrected reports. The office shall ensure that
13 no information included in the public reports could
14 reasonably lead to the identification of any woman upon whom
15 an abortion was performed, induced or attempted. The report
16 shall be transmitted to the United States centers for disease
17 control and prevention for the national abortion surveillance
18 report.

19
20 **Section 2.** This act is effective July 1, 2019.

21
22 (END)