

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 311.720 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 all the information the physician is required to certify
13 in writing or determine under KRS 311.731, 311.7704, 311.7705, 311.7706,
14 311.7707, 311.774, 311.782, and 311.783, but shall not include information
15 which will identify the physician, woman, or man involved.
- 16 (c) If a person other than the physician described in this subsection makes or
17 maintains a record required by KRS 311.7704, 311.7705, 311.7706, or
18 311.7707 on the physician's behalf of at the physician's direction, that person
19 shall comply with the reporting requirement described in this subsection as if
20 the person were the physician.
- 21 (2) Each prescription issued for RU-486, cytotec, pitocin, mifeprex, misoprostol, or any
22 other drug or combination of drugs for which the primary indication is the induction
23 of abortion as defined in KRS 311.720 shall be reported to the Vital Statistics
24 Branch within fifteen (15) days after the end of the month in which the prescription
25 was issued as required by KRS 311.774, but the report shall not include information
26 which will identify the woman involved or anyone who may be picking up the
27 prescription on behalf of the woman.

- 1 (3) The name of the person completing the report and the reporting institution shall not
2 be subject to disclosure under KRS 61.870 to 61.884.
- 3 (4) By September 30 of each year, the Vital Statistics Branch shall issue a public report
4 that provides statistics on all data collected, including the type of abortion procedure
5 used, for the previous calendar year compiled from all of the reports covering that
6 calendar year submitted to the cabinet in accordance with this section for each of the
7 items listed in subsections (1) and (2) of this section. Each annual report shall also
8 provide statistics for all previous calendar years in which this section was in effect,
9 adjusted to reflect any additional information from late or corrected reports. The
10 Vital Statistics Branch shall ensure that none of the information included in the
11 report could reasonably lead to the identification of any pregnant woman upon
12 whom an abortion was performed or attempted. Each annual report shall be made
13 available on the cabinet's Web site.
- 14 (5) (a) Any person or institution who fails to submit a report by the end of thirty (30)
15 days following the due date set in subsections (1) and (2) of this section shall
16 be subject to a late fee of five hundred dollars (\$500) for each additional thirty
17 (30) day period or portion of a thirty (30) day period the report is overdue.
- 18 (b) Any person or institution who fails to submit a report, or who has submitted
19 only an incomplete report, more than one (1) year following the due date set in
20 subsections (1) and (2) of this section, may in a civil action brought by the
21 Vital Statistics Branch be directed by a court of competent jurisdiction to
22 submit a complete report within a time period stated by court order or be
23 subject to contempt of court.
- 24 (c) Failure by any physician to comply with the requirements of this section, other
25 than filing a late report, or to submit a complete report in accordance with a
26 court order shall subject the physician to KRS 311.595.
- 27 (6) Intentional falsification of any report required under this section is a Class A

1 misdemeanor.

2 (7) The Vital Statistics Branch shall promulgate administrative regulations in
3 accordance with KRS Chapter 13A to assist in compliance with this section.

4 **(8) The Auditor of Public Accounts may perform an annual audit of the reporting**
5 **requirements outlined in this section.**