

ABORTION REPORTING

SB 1394 DHS; REPORTING; ABORTIONS

EXECUTIVE SUMMARY

According to the Arizona Department of Health Services (ADHS), Arizona’s abortion reporting requirements “facilitate[] ADHS’ ability to monitor long-term changes in the overall incidence of abortion in Arizona, complications associated with abortion procedures, and pregnancy-related program development and evaluation.”¹ In addition, abortion reporting statutes provide critical data to policymakers as they seek to improve Arizonan’s health and wellbeing.

This bill enhances existing abortion reporting laws by expanding information required in abortion reports and abortion complication reports, creating a new informed consent report, and by requiring more specific information in the annual abortion statistical report prepared by ADHS.

OVERVIEW

In 2010, the enactment of SB 1304 created a statutory requirement to report abortions and complications related to abortions. Since that time, many states have passed their own abortion reporting statutes, many of which bring to light valuable information that currently is not available under Arizona law. This bill seeks to enhance Arizona’s abortion reporting laws by adoption provisions from other states, most notably Minnesota and Oklahoma.

First, under current law, a hospital or facility must submit a report each month to ADHS for each abortion performed.² The report must include specific information as required by the statute. The bill strengthens the language to ensure that the report does not contain information that could identify the woman who obtained or sought an abortion. This bill also increases the type and specificity of the information the report must contain:

1. More specificity as to the reason for the abortion
2. More specificity as to any known medical complication that resulted from the abortion
 - a. The bill requires this same specificity in the separate abortion complication report
3. Medical specialty of the physician performing the abortion
4. Whether the abortion was an inpatient or outpatient procedure and whether it was performed at a hospital or abortion clinic
5. Whether anesthesia was administered to the mother or the unborn child

¹ Arizona Department of Health Services, [2016 Abortion Report](#), 2.

² A.R.S. § 36-2161.

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Second, this bill also creates a new informed consent report. Health professionals that provide (or delegate) informed consent information must submit a report each month to ADHS with the number of women that received the information and ultrasound services required by law.

Finally, current law requires ADHS to prepare an annual abortion statistical report based on abortion reports and complication reports.³ This bill adds that information from the new informed consent reports should be included. It also requires a breakdown by month of the number of abortions performed or prescribed by each hospital and facility, and a separate breakdown by month of the reasons for the abortion. The bill also requires information related to state funds used to pay for abortions to be included in the annual report.

TALKING POINTS

1. **Enhancing Arizona’s abortion reporting statutes will provide critical information and data for policymakers as they seek to improve women’s health and well-being.** Good policy requires good data.
2. **Abortion reporting laws help ADHS achieve its mission “to promote, protect, and improve the health and wellness of individuals and communities in Arizona.”**⁴ According to the ADHS, Arizona’s abortion reporting requirements “facilitate[] ADHS’ ability to monitor long-term changes in the overall incidence of abortion in Arizona, complications associated with abortion procedures, and pregnancy-related program development and evaluation.”⁵
3. **Reporting abortion statistical data is not a pro-life or pro-choice issue.** Specific and accurate data is helpful to everyone who cares about women’s health.
4. **Better reporting requirements will result in better enforcement.** Laws are pointless if they are not enforced.
5. **Abortion reporting does not violate privacy.** This bill strengthens existing protections that ensure a woman who obtained or sought to obtain an abortion cannot be identified in any way.
6. **Abortion reporting requirements are constitutional.** Arizona’s abortion reporting law has been in effect since 2010 and was patterned after the Pennsylvania abortion reporting law upheld by the U.S. Supreme Court in *Planned Parenthood v. Casey*. In addition, the bill is modeled after current laws from other states that are not in litigation.

CONCLUSION

Enhancing Arizona’s abortion reporting laws will provide valuable information for state policymakers and ADHS as they seek to promote and improve the health of individuals in Arizona.

³ A.R.S. § 36-2163.

⁴ Arizona Department of Health Services, [2016 Abortion Report](#), i.

⁵ *Id.* at 2.

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