

HOUSE RESEARCH

Bill Summary

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Subject: Reporting of Abortion Notification Data

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Overview

This bill establishes a reporting system for abortion notification data, in which physicians are required to report information on providing parental notification for, or receiving judicial authorization for, abortions performed on minor women or women with guardians or conservators. The commissioner of health is required to prepare and distribute reporting forms to physicians and issue public reports on abortion notification data collected from physicians and court administrators.

Because of a U.S. Supreme Court decision, Minnesota's abortion notification provisions operate as follows. A physician may not perform an abortion on an unemancipated minor or a woman for whom a guardian or conservator has been appointed unless (1) the physician has given written notice of the abortion to the woman's parent at least 48 hours before performing the abortion, or (2) if the woman chooses to not allow parental notification, she seeks judicial authorization for the abortion without parental notification.

1 Abortion notification data. Adds § 144.3431. Directs the commissioner of health to create and distribute reporting forms to collect abortion notification data, and lists the information to be collected. Specifies which physicians must submit abortion notification forms, and establishes civil penalties for physicians who fail to report as required. Requires the commissioner to issue annual public reports on abortion notification data collected from physicians and court administrators. Allows the commissioner to modify reporting time lines or forms. If the commissioner fails to issue a public report, authorizes ten or more citizens to seek an injunction to require the report. Directs courts to award attorney's fees. Allows any provision of this section found unconstitutional to be severed.

Subd. 1. Reporting form. Paragraph (a) requires the commissioner of health, within 90 days of this section's effective date, to prepare a form for physicians performing abortions and abortion facilities to use to report abortion notification data.

Paragraph (b) lists information that the form must gather:

the number of minor women and women with guardians or conservators for whom a physician has given written notification to a parent 48 hours before performing an abortion on the woman; the number of notices provided personally, and the number provided by mail; and the number of minor women and women with guardians and conservators who, to the best of the reporting physician's information, went on to obtain the abortion after notice was provided;

the number of minor women and women with guardians or conservators upon whom the physician performed an abortion without giving written notification to a parent 48 hours before performing the abortion; the number of these women who were emancipated minors; and the number of these women for whom notice is not required under current law because (1) the abortion was necessary to prevent the woman's death and there was not time to provide the notice; (2) the woman's parent gave written authorization for the abortion; or (3) the woman declared she was the victim of sexual or physical abuse or neglect and gave notice of this to the proper authorities;

the number of abortions performed by the physician on women who received judicial authorization, without giving parental notification;

the woman's county of residence; and the county in which the abortion was performed and the county in which judicial authorization, if any, was obtained, if these counties were different than the woman's county of residence;

the woman's age;

the woman's ethnic background;

how the physician or agent informed the women of the judicial authorization option, whether court forms were provided to her, and whether the physician or agent made court arrangements; and

how soon after visiting the abortion facility the women went to court to obtain judicial authorization for abortions.

Subd. 2. Distribution of forms. Directs the commissioner of health to ensure that these reporting forms and copies of this section of statute are distributed to all physicians licensed to practice in Minnesota within 120 days of this section's effective date and by December 1 of subsequent years, and to all physicians newly licensed to practice in Minnesota when they are notified of their licensure status.

Subd. 3. Submission. Requires the following physicians to submit reports to the commissioner by April 1 of each year, for abortions performed in the previous calendar year: any physician who has given written notification to a parent of a minor woman or a woman with a guardian or conservator before performing an abortion, and any physician who has knowingly performed an abortion on a minor woman or a woman with a guardian or conservator.

Subd. 4. Failure to report as required. Established civil penalties for physicians who fail to submit reports or who submit late or incomplete reports. Physicians who fail to submit reports within 30 days after the deadline are subject to a late fee of \$500 for each additional 30-day period, or portion of a 30-day period, the report is overdue. For physicians who fail to submit reports within one year of the due date or submit incomplete reports, the commissioner may bring a court action to compel the physician to report or be subject to civil sanctions. Permits a court to assess attorney's fees and costs against the noncomplying party.

Subd. 5. Public records. Paragraph (a) directs the commissioner, by September 30 of each year, to issue a public report on the information reported in subdivision 1 for the previous calendar year and on the following information obtained from court administrators:

the number of petitions filed in court by minor women or women with guardians or

conservators, for judicial authorizations of abortions;
the number of these cases in which guardians ad litem were appointed;
the number of these cases in which courts appointed counsel;
the number of these cases in which courts authorized abortions without parental notification, including the number of petitions granted because courts found the women to be mature and the basis for those findings, and the number of petitions granted because courts found the abortion was in the women's best interest and the basis for those findings;
the number of times courts denied judicial authorizations for abortions and appeals were filed;
the number of appeals in which denials of judicial authorizations were affirmed; and
the number of appeals in which denials of judicial authorizations were reversed.

Paragraph (b) requires the report to also include statistics for all previous calendar years in which a public report was required, adjusted to include additional information from late or corrected physician reports. Directs court administrators to ensure that no information included in public reports could reasonably lead to the identification of any minor woman or woman with a guardian or conservator.

Subd. 6. Modification of requirements. Permits the commissioner to modify the reporting dates or consolidate the forms or reports, as long as forms are sent to physicians at least once a year and the public report is issued at least once a year.

Subd. 7. Suit to compel statistical report. If the commissioner fails to issue a required public report, permits any group of ten or more Minnesota citizens to seek an injunction to require a complete report to be issued. Specifies that if the commissioner fails to abide by the injunction, the commissioner is subject to civil contempt sanctions.

Subd. 8. Attorney's fees. For any suit in this section, awards reasonable attorney's fees to the plaintiff if the plaintiff prevails. If the defendant prevails and if the court finds that the plaintiff's suit was frivolous and brought in bad faith, awards reasonable attorney's fees to the defendant.

Subd. 9. Severability. Specifies that if any provision of this section is found unconstitutional, that provision is severable from the rest of the section.