

1 HOUSE BILL NO. 723
2 INTRODUCED BY L. DEMING

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING ANNUAL REPORTING REQUIREMENTS BY
5 MEDICAL FACILITIES OF INFANTS BORN ALIVE; PROVIDING REQUIREMENTS FOR REPORTS;
6 REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PUBLISH AN ANNUAL
7 REPORT; AND PROVIDING RULEMAKING AUTHORITY."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Reporting requirement -- civil penalties -- aggregate report by**
12 **department -- rulemaking authority.** (1) A medical facility in which an infant is born alive subsequent to an
13 abortion or attempted abortion performed on the mother of the infant shall submit by February 28 of each year
14 an annual report to the department on the number of infants born alive in during the previous calendar year in a
15 form and manner prescribed by the department.

- 16 (2) The report must include:
- 17 (a) the approximate gestational age of infants who are born alive, expressed in one of the following
 - 18 increments:
 - 19 (i) less than 9 weeks;
 - 20 (ii) 9 to 10 weeks;
 - 21 (iii) 11 to 12 weeks;
 - 22 (iv) 13 to 15 weeks;
 - 23 (v) 16 to 20 weeks;
 - 24 (vi) 21 to 24 weeks;
 - 25 (vii) 25 to 30 weeks;
 - 26 (viii) 31 to 36 weeks; or
 - 27 (ix) 37 weeks to term;
 - 28 (b) medical actions taken to preserve the life of infants born alive;

1 (c) the outcome for infants born alive, including survival, death, and location of death, if known;

2 and

3 (d) medical conditions of infants born alive, including conditions developed prior to and after the
4 attempted abortion.

5 (3) (a) The department may impose a civil fine in an amount not to exceed \$500 on a medical
6 facility that fails to submit the required report within 30 days after the deadline established in subsection (1).

7 (b) The department may impose an additional civil fine in an amount not to exceed \$500 on a
8 medical facility for each additional 30-day period that the medical facility fails to submit the required report.

9 (c) If a medical facility fails to submit a required report more than 1 year following the date that the
10 report is due to the department or if the medical facility submits an incomplete report and fails to correct the
11 deficiencies during the same time period, the department may bring a civil action for an injunction to compel the
12 medical facility to submit the required report.

13 (4) The department shall adopt a form for reporting as described in subsection (1). The department
14 shall ensure that copies of the form are distributed to medical facilities in the state.

15 (5) The department shall publish an annual report by June 30 on the aggregate number of
16 abortions resulting in a live birth from the previous calendar year. The report must also provide the numbers of
17 abortions resulting in live births from previous reporting years, adjusted to reflect any additional information for
18 late or corrected reports. The department shall take care to ensure that none of the information included in the
19 report could reasonably lead to the identification of an individual who provides information in accordance with
20 this section.

21 (6) The department may adopt rules to implement this section, including the form described in
22 subsection (4).

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24 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
25 integral part of Title 50, chapter 20, part 8, and the provisions of Title 50, chapter 20, part 8, apply to [section 1].
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