

HB 2371 -- ABORTION

SPONSOR: Koenig

Current law prohibits the procurement or inducement of an abortion or the conception of an unborn child for the purpose of obtaining fetal organs or tissue and prohibits the sale of fetal organs or tissue. This bill makes a violation of these provisions a class C felony and permits the court to impose a fine in an amount not less than twice the amount of any valuable consideration received in violation of these provisions.

Currently, only a representative sample of tissue removed at the time of abortion must be sent to a pathologist. The bill requires all tissue removed at the abortion to be sent to a pathologist and ensured as nonhazardous in compliance with the regulations of the Department of Natural Resources. The pathology report must indicate if all fetal tissue was received that would be common for a specimen of such gestational age, include detailed gross findings of what was received including the percent blood clot and percent tissue, and include a gross diagnosis.

Each fetal tissue specimen must be given a unique identification number to allow the specimen to be tracked from the abortion facility or hospital where the abortion was performed to the pathology lab and its final disposition location. A report must be created and submitted as specified in the bill and must document the date the specimen was collected, transported, received, and disposed, if applicable. The department must pair each notice of abortion with its corresponding pathology report. If the department does not receive both reports, the department must investigate and if the department finds the facility where the abortion was performed is not in compliance with these provisions, the department must consider such noncompliance a deficiency requiring an unscheduled inspection of the facility to ensure remediation. All reports and information received by the department under these provisions must be included in an annual report to the General Assembly.

The department must inspect all ambulatory surgical centers operated for the purpose of performing or inducing abortions a minimum twice annually, once announced and once unannounced, as specified in the bill. Inspection and investigation reports must be made available to the public and may be redacted to prevent disclosure of information not permitted for disclosure under the law.