

SENATE BILL NO. 245

INTRODUCED BY MAZUREK

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

January 23, 1981	Introduced and referred to Committee on Judiciary.
February 16, 1981	Committee recommend bill do pass as amended. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 18, 1981	Second reading, do pass.
February 19, 1981	Correctly engrossed.
February 20, 1981	Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

February 21, 1981	Introduced and referred to Committee on Judiciary.
March 18, 1981	Committee recommend bill be concurred in. Report adopted.
March 19, 1981	Second reading, pass consideration.
March 20, 1981	Second reading, concurred in.
March 23, 1981	Third reading, concurred in. Ayes, 82; Noes, 17.

IN THE SENATE

March 24, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 BILL NO. 445  
2 INTRODUCED BY James Maguire  
3 BY REQUEST OF  
4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
7 CLARIFY THE LAWS RELATING TO HEALTH AND THE FAMILY; AMENDING  
8 SECTIONS 40-1-203, 40-1-205, 40-8-126, 50-15-101, 50-15-108  
9 50-15-111, 50-15-301, 50-15-303, 50-15-304, AND 50-20-110  
10 MCA."

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

13 Section 1. Section 40-1-203, MCA, is amended to read:

14 "40-1-203. Proof of age and medical certificate

15 required. (1) Before a person authorized by law to issue

16 marriage licenses may issue a marriage license, each

17 applicant therefor shall exhibit to him a birth certificate

18 or other satisfactory evidence of age and, if the applicant

19 is a minor, the approval required by 40-1-213 and shall file

20 with him a medical certificate from a duly--qualified

21 physician, licensed to practice medicine and surgery in any

22 state or United States territory, or any other person

23 authorized by laws of Montana to make a medical certificate.

24 The certificate shall state that the applicant has been

25 given an examination--including a standard serological test,

1    made performed not more than 20 days before the date of  
2    issuance of the license, and that the report of the results  
3    of the serological test has been exhibited to the applicant  
4    and that each party to the proposed marriage contract has  
5    examined the report of the serological test of the other  
6    party to the proposed contract.

1 certificates state the examinations are standard serological  
 2 tests and were performed not more than 20 days before the  
 3 issuance of the marriage license."

4 Section 3. Section 40-8-126, MCA, is amended to read:  
 5 "40-8-126. Confidentiality of record and proceedings.

6 (1) Unless the court shall otherwise order, all hearings  
 7 held in proceedings under this part shall be confidential  
 8 and shall be held in closed court without admittance of any  
 9 person other than interested parties and their counsel.

10 (2) All papers and records pertaining to the adoption  
 11 shall be kept as a permanent record of the court and  
 12 withheld from inspection. No person shall have access to  
 13 such records except:

14 (a) for good cause shown, on order of the judge of the  
 15 court in which the decree of adoption was entered; or

16 (b) as provided in 50-15-206.

17 (3) All files and records pertaining to said adoption  
 18 proceedings in the county departments of public welfare, the  
 19 department of social and rehabilitation services, or any  
 20 authorized agencies shall be confidential and withheld from  
 21 inspection except upon order of court for good cause shown  
 22 or as provided in 50-15-206."

23 Section 4. Section 50-15-101, MCA, is amended to read:  
 24 "50-15-101. Definitions. Unless the context requires  
 25 otherwise, in this chapter the following definitions apply:

1 (1) "Board" means the board of health and  
 2 environmental sciences, provided for in 2-15-2104.

3 (2) "Dead body" means a lifeless human body or parts  
 4 of a body from which it reasonably may be concluded that  
 5 death occurred recently.

6 (3) "Department" means the department of health and  
 7 environmental sciences, provided for in Title 2, chapter 15,  
 8 part 21.

9 (4) "Dissolution of marriage" means a marriage  
 10 terminated pursuant to Title 40, chapter 4, part 1.

11 (4) "Fetal death" means a birth after 20 weeks of  
 12 gestation which is not a live birth.

13 (5) "Invalid marriage" means a marriage decreed by a  
 14 district court to be invalid for the reasons contained in  
 15 40-1-402.

16 (5) "Live birth" means the birth of a child who  
 17 shows evidence of life after being entirely outside the  
 18 mother.

19 (6) "Local registrar" means a person appointed by  
 20 the department to act as its agent in administering this  
 21 chapter in the area set forth in the letter of appointment.

22 (7) "Person in charge of interment" means a person  
 23 who places or causes to be placed a dead body or the ashes  
 24 after cremation in a grave, vault, urn, or other receptacle  
 25 or otherwise disposes of the body.

1        ~~§87(1)(l)~~ "Physician" means a person legally authorized  
 2 to practice medicine in this state.

3        ~~§97(1)(l)~~ "Vital statistics" includes the registration,  
 4 preparation, transcription, collection, compilation, and  
 5 preservation of data pertaining to births, adoptions,  
 6 legitimations, deaths, fetal deaths, marital status, and  
 7 incidental supporting data."

8        Section 5. Section 50-15-108, MCA, is amended to read:  
 9        "50-15-108. Duty to furnish information. (1) Any  
 10 person having knowledge of the fact shall furnish  
 11 information he possesses about a birth, death, fetal death,  
 12 ~~marriage, or divorce~~ ~~dissolution of marriage, or invalid~~  
 13 ~~marriage~~ upon demand of the department.

14        (2) The person in charge of any institution or  
 15 facility for the care of persons shall record and report all  
 16 data required by this chapter relating to inmates or  
 17 patients of the institution or facility."

18        Section 6. Section 50-15-111, MCA, is amended to read:  
 19        "50-15-111. Certified copy fee. (1) The department  
 20 shall prescribe a fee of not less than \$2.50 for a certified  
 21 copy of certificates or search of files.

22        (2) Fees received for a certified copy of a  
 23 certificate or a search of files shall be deposited in the  
 24 ~~state general funds as follows:~~

25        (a) ~~it shall be deposited in an earmarked revenue fund~~

1        ~~to be used by the department for the maintenance of indexes~~  
 2 ~~to add costs for the preservation of vital records; and~~  
 3 ~~(b) the remainder shall be deposited in the state~~  
 4 ~~general funds."~~

5        Section 7. Section 50-15-301, MCA, is amended to read:  
 6        "50-15-301. Marriage certificates. Before the 16th  
 7 10th day of each month, each clerk of a district court shall  
 8 report marriage certificates filed with him during the  
 9 preceding calendar month to the department. Reports shall be  
 10 on forms and contain information prescribed by the  
 11 department. The applicant for a marriage license shall pay a  
 12 recording fee of 25 cents to the officer authorized to issue  
 13 the marriage license."

14        Section 8. Section 50-15-303, MCA, is amended to read:  
 15        "50-15-303. Certificates of dissolution of marriage,  
 16 adoption, declaration of invalidity of marriage, or  
 17 annulment of adoption. Before the 16th 10th day of each  
 18 month, the clerk of court shall prepare and forward to the  
 19 department a certificate for each decree of dissolution of  
 20 marriage, adoption, declaration of invalidity of marriage,  
 21 or annulment of adoption that became final during the  
 22 preceding calendar month. Certificates shall be on forms  
 23 prescribed by the department."

24        Section 9. Section 50-15-304, MCA, is amended to read:  
 25        "50-15-304. Substitute birth certificate for person

1 adopted. (1) The procedure for issuing a substitute birth  
 2 certificate for a person born in Montana and adopted is as  
 3 follows:

4       (a) Before the 16th day of the month following the  
 5 order of adoption, the clerk of the district court shall  
 6 forward a certified copy of the final order of adoption to  
 7 the department or the department may accept a certified copy  
 8 of a final order of adoption from a court of competent  
 9 jurisdiction of a foreign state of the United States or a  
 10 tribal court of competent jurisdiction.

11       (b) The department shall prepare a substitute  
 12 certificate containing:

13           (i) the new name of the adopted person;  
 14           (ii) the true date and place of birth and sex of the  
 15 adopted person;  
 16           (iii) statistical facts concerning the adoptive parents  
 17 in place of the natural parents;  
 18           (iv) the words "department of health and environmental  
 19 sciences" substituted for the words "attendant's own  
 20 signature"; and  
 21           (v) dates of recording as shown on the original birth  
 22 certificate.

23       (2) The procedure for recording a substitute  
 24 certificate of birth for a person born in Montana and  
 25 adopted is as follows:

1       (a) The department shall send copies of the substitute  
 2 certificate to the local registrar and to the county clerk  
 3 and recorder.

4       (b) The local registrar and county clerk and recorder  
 5 shall immediately enter the substitute birth certificate in  
 6 its files and forward copies of the original birth record to  
 7 the department.

8       (c) The department shall seal original birth records  
 9 and open them only on-demand-of-the--adopted--person--if--of  
 10 teenage or on order of a court.

11       (3) On receipt of a certified copy of a court order  
 12 annulling an adoption, the department shall restore the  
 13 original certificate to its place in its files and notify  
 14 the local registrar and county clerk and recorder.\*

15       Section 10. Section 50-20-110, MCA, is amended to  
 16 read:

17       \*50-20-110. Reporting of practice of abortion. (1)  
 18 Every facility in which an abortion is performed within the  
 19 state shall keep on file upon a form prescribed by the  
 20 department a statement dated and certified by the physician  
 21 who performed the abortion setting forth such information  
 22 with respect to the abortion as the department by regulation  
 23 shall require, including but not limited to information on  
 24 prior pregnancies, the medical procedure employed to  
 25 administer the abortion, the gestational age of the fetus,

1 the vital signs of the fetus after abortion, if any, and if  
 2 after viability, the medical procedures employed to protect  
 3 and preserve the life and health of the fetus.

4 (2) The physician performing an abortion shall cause  
 5 such pathology studies to be made in connection therewith as  
 6 the department shall require by regulation, and the facility  
 7 shall keep the reports thereof on file.

8 (3) In connection with an abortion, the facility shall  
 9 keep on file the original of each of the documents required  
 10 by this chapter relating to informed consent, consent to  
 11 abortion, certification of necessity of abortion to preserve  
 12 the life or health of the mother, and certification of  
 13 necessity of abortion to preserve the life of the mother.

14 (4) Such facility shall, within 30 days after the  
 15 abortion, file with the department a report upon a form  
 16 prescribed by the department and certified by the custodian  
 17 of the records or physician in charge of such facility  
 18 setting forth all of the information required in subsections  
 19 (1), (2), and (3) of this section, except such information  
 20 as would identify any individual involved with the abortion.  
 21 The report shall exclude copies of any documents required to  
 22 be filed by subsection (3) of this section, but shall  
 23 certify that such documents were duly executed and are on  
 24 file.

25 (5) All reports and documents required by this chapter

1 shall be treated with the confidentiality afforded to  
 2 medical records, subject to such disclosure as is permitted  
 3 by law. Statistical data not identifying any individual  
 4 involved in an abortion shall be made public by the  
 5 department annually, and the report required by subsection  
 6 (4) of this section to be filed with the department shall be  
 7 available for public inspection except insofar as it  
 8 identifies any individual involved in an abortion. Names and  
 9 identities of persons submitting to abortion shall remain  
 10 confidential among medical and medical support personnel  
 11 directly involved in the abortion and among persons working  
 12 in the facility where the abortion was performed whose  
 13 duties include billing the patient or submitting claims to  
 14 an insurance company, keeping facility records, or  
 15 processing abortion data required by state law.

16 161. Violation of this section is a misdemeanor and is  
 17 punishable as provided in 46-18-212a.

18 Section 11. Saving clause. This act does not affect  
 19 rights and duties that matured, penalties that were  
 20 incurred, or proceedings that were begun before the  
 21 effective date of this act.

22 Section 12. Severability. If a part of this act is  
 23 invalid, all valid parts that are severable from the invalid  
 24 part remain in effect. If a part of this act is invalid in  
 25 one or more of its applications, the part remains in effect.

1 in all valid applications that are severable from the  
2 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 209-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 23, 1981, there is hereby submitted a Fiscal Note for Senate Bill 245 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to generally revise and clarify the laws relating to health and family. To be more specific, clarification has been made to the tests required for marriage applicants; to improve on the description of a "dissolution of marriage"; to increase the fees charged for issuance of certain certified vital statistics documents; to require a court order for persons to see original birth records; and to establish the date due of certain records from county clerks of court.

Assumptions

1. A 10% reduction of certified copies will be realized due to the increased cost.
2. The Department of Health and Environmental Sciences will be appropriated earmarked funds to hire a new FTE to update the backlog in the index activity. The most immediate task will be to verify records that are already keypunched.

Fiscal Impact

Revenue: Proposed increase in general fund will be \$30,000 in 1982 and \$31,500 in 1983. These funds will remain in the general fund and will be made available to the state of Montana.

The anticipated activity level will be 15,000 records in 1982, and 15,750 records in 1983. At the rate of \$1 per record, a corresponding amount of earmarked funds will be made available to the Montana State Department of Health and Environmental Sciences and the plan for expenditure is as follows:

	<u>FY 1982</u>	<u>FY 1983</u>
Salary, Grade 7, Step 2, Records Technician	\$10,500	\$11,500
Benefits	1,900	2,200
Supplies - data processing	300	300
Data supplies - Department of Administration	<u>2,300</u>	<u>1,750</u>
 Total Expenditures	 \$15,000	 \$15,750

These expenditures will offset the money deposited in the earmarked fund for a net result of \$0.

*Lyle Manley, Jr.*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 1-28-81

Approved by Committee  
on Judiciary

1                   SENATE BILL NO. 245  
2                   INTRODUCED BY MAZUREK  
3                   BY REQUEST OF  
4                   THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
5

6                   A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
7                   CLARIFY THE LAWS RELATING TO HEALTH AND THE FAMILY; AMENDING  
8                   SECTIONS 40-1-203, 40-1-205, 40-8-126, 50-15-101, 50-15-108,  
9                   50-15-111, 50-15-301, 50-15-303, 50-15-304, AND 50-20-110,  
10                  MCA."

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

12                  Section 1. Section 40-1-203, MCA, is amended to read:  
13                  "40-1-203. Proof of age and medical certificate  
14                  required. (1) Before a person authorized by law to issue  
15                  marriage licenses may issue a marriage license, each  
16                  applicant therefor shall exhibit to him a birth certificate  
17                  or other satisfactory evidence of age and, if the applicant  
18                  is a minor, the approval required by 40-1-213 and shall file  
19                  with him a medical certificate from a ~~duty--qualified~~  
20                  physician, licensed to practice medicine and surgery in any  
21                  state or United States territory, or any other person  
22                  authorized by laws of Montana to make a medical certificate.  
23                  The certificate shall state that the applicant has been  
24                  given ~~an examination~~ including a standard serological test,

1                  made performed not more than 20 days before the date of  
2                  issuance of the license, and that the report of the results  
3                  of the serological test has been exhibited to the applicant  
4                  and that each party to the proposed marriage contract has  
5                  examined the report of the serological test of the other  
6                  party to the proposed contract.

7                  (2) A person who by law is able to obtain a marriage  
8                  license in this state is also able to give consent to any  
9                  examinations and tests required by this section. In  
10                 submitting the blood specimen to the laboratory, the  
11                 physician or any other person authorized by the laws of  
12                 Montana to make a medical certificate shall designate that  
13                 it is a premarital test."

14                  Section 2. Section 40-1-205, MCA, is amended to read:  
15                  "40-1-205. Certificates from other states or for  
16                  military personnel -- when acceptable. Certificate forms  
17                  provided by other states having comparable laws will be  
18                  accepted for persons who have been--examined--and--who--have  
19                  received a standard serological test outside of Montana if  
20                  such examinations--one tests are performed not more than 20  
21                  days before the issuance of a marriage license. Certificates  
22                  provided by the United States armed forces will be accepted  
23                  for military personnel if such certificates are signed by a  
24                  medical officer commissioned in the United States armed  
25                  forces or United States public health service and the

1 certificates state the examinations are standard serological  
 2 tests and were performed not more than 20 days before the  
 3 issuance of the marriage license."

4 Section 3. Section 40-8-126, MCA, is amended to read:  
 5 "40-8-126. Confidentiality of record and proceedings.

6 (1) Unless the court shall otherwise order, all hearings  
 7 held in proceedings under this part shall be confidential  
 8 and shall be held in closed court without admittance of any  
 9 person other than interested parties and their counsel.

10 (2) All papers and records pertaining to the adoption  
 11 shall be kept as a permanent record of the court and  
 12 withheld from inspection. No person shall have access to  
 13 such records except:

14 (a) for good cause shown, on order of the judge of the  
 15 court in which the decree of adoption was entered; or

16 (b) as provided in 50-15-206.

17 (3) All files and records pertaining to said adoption  
 18 proceedings in the county departments of public welfare, the  
 19 department of social and rehabilitation services, or any  
 20 authorized agencies shall be confidential and withheld from  
 21 inspection except upon order of court for good cause shown  
 22 or as provided in 50-15-206."

23 Section 4. Section 50-15-101, MCA, is amended to read:  
 24 "50-15-101. Definitions. Unless the context requires  
 25 otherwise, in this chapter the following definitions apply:

1 (1) "Board" means the board of health and  
 2 environmental sciences, provided for in 2-15-2104.

3 (2) "Dead body" means a lifeless human body or parts  
 4 of a body from which it reasonably may be concluded that  
 5 death occurred recently.

6 (3) "Department" means the department of health and  
 7 environmental sciences, provided for in Title 2, chapter 15,  
 8 part 21.

9 (4) "Dissolution of marriage" means a marriage  
 10 terminated pursuant to Title 40, chapter 4, part 1.

11 ~~(4)~~ (5) "Fetal death" means a birth after 20 weeks of  
 12 gestation which is not a live birth.

13 (6) "Invalid marriage" means a marriage decreed by a  
 14 district court to be invalid for the reasons contained in  
 15 40-1-402.

16 ~~(6)~~ (7) "Live birth" means the birth of a child who  
 17 shows evidence of life after being entirely outside the  
 18 mother.

19 ~~(6)~~ (8) "Local registrar" means a person appointed by  
 20 the department to act as its agent in administering this  
 21 chapter in the area set forth in the letter of appointment.

22 ~~(6)~~ (9) "Person in charge of interment" means a person  
 23 who places or causes to be placed a dead body or the ashes  
 24 after cremation in a grave, vault, urn, or other receptacle  
 25 or otherwise disposes of the body.

1        ~~to~~<sup>(10)</sup> "Physician" means a person legally authorized  
 2 to practice medicine in this state.

3        ~~to~~<sup>(11)</sup> "Vital statistics" includes the registration,  
 4 preparation, transcription, collection, compilation, and  
 5 preservation of data pertaining to births, adoptions,  
 6 legitimations, deaths, fetal deaths, marital status, and  
 7 incidental supporting data."

8        Section 5. Section 50-15-108, MCA, is amended to read:  
 9        "50-15-108. Duty to furnish information. (1) Any  
 10 person having knowledge of the fact shall furnish  
 11 information he possesses about a birth, death, fetal death,  
 12 ~~marriage, or divorce dissolution of marriage, or invalid~~  
 13 ~~marriage~~ upon demand of the department.

14        (2) The person in charge of any institution or  
 15 facility for the care of persons shall record and report all  
 16 data required by this chapter relating to inmates or  
 17 patients of the institution or facility."

18        Section 6. Section 50-15-111, MCA, is amended to read:  
 19        "50-15-111. Certified copy fee. (1) The department  
 20 shall prescribe a fee of not less than \$2 ~~\$5~~ ~~\$3~~ for a  
 21 certified copy of certificates or search of files.

22        (2) Fees received for a certified copy of a  
 23 certificate or a search of files shall be deposited in--the  
 24 ~~state-general-fund~~ as follows:

25        ~~1a] \$1 shall be deposited in an earmarked revenue fund~~

1        to be used by the department for the maintenance of indexes  
 2 to, and costs for the preservation of, vital records; and  
 3 (b) the remainder shall be deposited in the state  
 4 general funds."

5        Section 7. Section 50-15-301, MCA, is amended to read:  
 6        "50-15-301. Marriage certificates. Before the 16th  
 7 10th day of each month, each clerk of a district court shall  
 8 report marriage certificates filed with him during the  
 9 preceding calendar month to the department. Reports shall be  
 10 on forms and contain information prescribed by the  
 11 department. The applicant for a marriage license shall pay a  
 12 recording fee of 25 cents to the officer authorized to issue  
 13 the marriage license."

14        Section 8. Section 50-15-303, MCA, is amended to read:  
 15        "50-15-303. Certificates of dissolution of marriage,  
 16 adoption, declaration of invalidity of marriage, or  
 17 annulment of adoption. Before the 16th 10th day of each  
 18 month, the clerk of court shall prepare and forward to the  
 19 department a certificate for each decree of dissolution of  
 20 marriage, adoption, declaration of invalidity of marriage,  
 21 or annulment of adoption that became final during the  
 22 preceding calendar month. Certificates shall be on forms  
 23 prescribed by the department."

24        Section 9. Section 50-15-304, MCA, is amended to read:  
 25        "50-15-304. Substitute birth certificate for person

1 adopted. (1) The procedure for issuing a substitute birth  
 2 certificate for a person born in Montana and adopted is as  
 3 follows:

4 (a) Before the 16th day of the month following the  
 5 order of adoption, the clerk of the district court shall  
 6 forward a certified copy of the final order of adoption to  
 7 the department or the department may accept a certified copy  
 8 of a final order of adoption from a court of competent  
 9 jurisdiction of a foreign state of the United States or a  
 10 tribal court of competent jurisdiction.

11 (b) The department shall prepare a substitute  
 12 certificate containing:

13 (i) the new name of the adopted person;  
 14 (ii) the true date and place of birth and sex of the  
 15 adopted person;

16 (iii) statistical facts concerning the adoptive parents  
 17 in place of the natural parents;

18 (iv) the words "department of health and environmental  
 19 sciences" substituted for the words "attendant's own  
 20 signature"; and

21 (v) dates of recording as shown on the original birth  
 22 certificate.

23 (2) The procedure for recording a substitute  
 24 certificate of birth for a person born in Montana and  
 25 adopted is as follows:

1 (a) The department shall send copies of the substitute  
 2 certificate to the local registrar and to the county clerk  
 3 and recorder.

4 (b) The local registrar and county clerk and recorder  
 5 shall immediately enter the substitute birth certificate in  
 6 its files and forward copies of the original birth record to  
 7 the department.

8 (c) The department shall seal original birth records  
 9 and open them only ~~on-demand-of-the-adopted-person-if-of~~  
 10 ~~legal-age-or~~ on order of a court.

11 (3) On receipt of a certified copy of a court order  
 12 annulling an adoption, the department shall restore the  
 13 original certificate to its place in its files and notify  
 14 the local registrar and county clerk and recorder."

15 Section 10. Section 50-20-110, MCA, is amended to  
 16 read:

17 "50-20-110. Reporting of practice of abortion. (1)  
 18 Every facility in which an abortion is performed within the  
 19 state shall keep on file upon a form prescribed by the  
 20 department a statement dated and certified by the physician  
 21 who performed the abortion setting forth such information  
 22 with respect to the abortion as the department by regulation  
 23 shall require, including but not limited to information on  
 24 prior pregnancies, the medical procedure employed to  
 25 administer the abortion, the gestational age of the fetus,

1 the vital signs of the fetus after abortion, if any, and if  
 2 after viability, the medical procedures employed to protect  
 3 and preserve the life and health of the fetus.

4 (2) The physician performing an abortion shall cause  
 5 such pathology studies to be made in connection therewith as  
 6 the department shall require by regulation, and the facility  
 7 shall keep the reports thereof on file.

8 (3) In connection with an abortion, the facility shall  
 9 keep on file the original of each of the documents required  
 10 by this chapter relating to informed consent, consent to  
 11 abortion, certification of necessity of abortion to preserve  
 12 the life or health of the mother, and certification of  
 13 necessity of abortion to preserve the life of the mother.

14 (4) Such facility shall, within 30 days after the  
 15 abortion, file with the department a report upon a form  
 16 prescribed by the department and certified by the custodian  
 17 of the records or physician in charge of such facility  
 18 setting forth all of the information required in subsections  
 19 (1), (2), and (3) of this section, except such information  
 20 as would identify any individual involved with the abortion.  
 21 The report shall exclude copies of any documents required to  
 22 be filed by subsection (3) of this section, but shall  
 23 certify that such documents were duly executed and are on  
 24 file.

25 (5) All reports and documents required by this chapter

1 shall be treated with the confidentiality afforded to  
 2 medical records, subject to such disclosure as is permitted  
 3 by law. Statistical data not identifying any individual  
 4 involved in an abortion shall be made public by the  
 5 department annually, and the report required by subsection  
 6 (4) of this section to be filed with the department shall be  
 7 available for public inspection except insofar as it  
 8 identifies any individual involved in an abortion. Names and  
 9 identities of persons submitting to abortion shall remain  
 10 confidential among medical and medical support personnel  
 11 directly involved in the abortion and among persons working  
 12 in the facility where the abortion was performed whose  
 13 duties include billing the patient or submitting claims to  
 14 an insurance company, keeping facility records, or  
 15 processing abortion data required by state law.

16 (6) Violation of this section is a misdemeanor and is  
 17 punishable as provided in 46-18-212."

18 Section 11. Saving clause. This act does not affect  
 19 rights and duties that matured, penalties that were  
 20 incurred, or proceedings that were begun before the  
 21 effective date of this act.

22 Section 12. Severability. If a part of this act is  
 23 invalid, all valid parts that are severable from the invalid  
 24 part remain in effect. If a part of this act is invalid in  
 25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the  
2 invalid applications.

-End-

1 SENATE BILL NO. 245  
2 INTRODUCED BY MAZUREK  
3 BY REQUEST OF  
4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCE

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
7 CLARIFY THE LAWS RELATING TO HEALTH AND THE FAMILY; AMENDING  
8 SECTIONS 40-1-203, 40-1-205, 40-8-126, 50-15-101, 50-15-108,  
9 50-15-111, 50-15-301, 50-15-303, 50-15-304, AND 50-20-110,  
10 MCA."

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

13                   Section 1. Section 40-1-203, MCA, is amended to read:

14                   "40-1-203. Proof of age and medical certificate

15                   required. (1) Before a person authorized by law to issue

16                   marriage licenses may issue a marriage license, each

17                   applicant therefor shall exhibit to him a birth certificate

18                   or other satisfactory evidence of age and, if the applicant

19                   is a minor, the approval required by 40-1-213 and shall file

20                   with him a medical certificate from a duty-qualified

21                   physician, licensed to practice medicine and surgery in any

22                   state or United States territory, or any other person

23                   authorized by laws of Montana to make a medical certificate.

24                   The certificate shall state that the applicant has been

25                   given an examination—including a standard serological test.

1 made performed not more than 20 days before the date of  
2 issuance of the license, and that the report of the results  
3 of the serological test has been exhibited to the applicant  
4 and that each party to the proposed marriage contract has  
5 examined the report of the serological test of the other  
6 party to the proposed contract.

7                   (2) A person who by law is able to obtain a marriage  
8 license in this state is also able to give consent to any  
9 examinations and tests required by this section. In  
10 submitting the blood specimen to the laboratory, the  
11 physician or any other person authorized by the laws of  
12 Montana to make a medical certificate shall designate that  
13 it is a premarital test."

1 certificates state the examinations are standard serological  
 2 tests and were performed not more than 20 days before the  
 3 issuance of the marriage license."

4 Section 3. Section 40-8-126, MCA, is amended to read:  
 5 "40-8-126. Confidentiality of record and proceedings.

6 (1) Unless the court shall otherwise order, all hearings  
 7 held in proceedings under this part shall be confidential  
 8 and shall be held in closed court without admittance of any  
 9 person other than interested parties and their counsel.

10 (2) All papers and records pertaining to the adoption  
 11 shall be kept as a permanent record of the court and  
 12 withheld from inspection. No person shall have access to  
 13 such records except:

14 (a) for good cause shown, on order of the judge of the  
 15 court in which the decree of adoption was entered; or

16 (b) as provided in 50-15-206.

17 (3) All files and records pertaining to said adoption  
 18 proceedings in the county departments of public welfare, the  
 19 department of social and rehabilitation services, or any  
 20 authorized agencies shall be confidential and withheld from  
 21 inspection except upon order of court for good cause shown  
 22 or as provided in 50-15-206."

23 Section 4. Section 50-15-101, MCA, is amended to read:  
 24 "50-15-101. Definitions. Unless the context requires  
 25 otherwise, in this chapter the following definitions apply:

1 (1) "Board" means the board of health and  
 2 environmental sciences, provided for in 2-15-2104.

3 (2) "Dead body" means a lifeless human body or parts  
 4 of a body from which it reasonably may be concluded that  
 5 death occurred recently.

6 (3) "Department" means the department of health and  
 7 environmental sciences, provided for in Title 2, chapter 15,  
 8 part 21.

9 (4) "Dissolution of marriage" means a marriage  
 10 terminated pursuant to Title 40, chapter 4, part 1.

11 (5) "Fetal death" means a birth after 20 weeks of  
 12 gestation which is not a live birth.

13 (6) "Invalid marriage" means a marriage decreed by a  
 14 district court to be invalid for the reasons contained in  
 15 40-1-402.

16 (7) "Live birth" means the birth of a child who  
 17 shows evidence of life after being entirely outside the  
 18 mother.

19 (8) "Local registrar" means a person appointed by  
 20 the department to act as its agent in administering this  
 21 chapter in the area set forth in the letter of appointment.

22 (9) "Person in charge of interment" means a person  
 23 who places or causes to be placed a dead body or the ashes  
 24 after cremation in a grave, vault, urn, or other receptacle  
 25 or otherwise disposes of the body.

1        ~~(8)(10)~~ "Physician" means a person legally authorized  
 2 to practice medicine in this state.

3        ~~(9)(11)~~ "Vital statistics" includes the registration,  
 4 preparation, transcription, collection, compilation, and  
 5 preservation of data pertaining to births, adoptions,  
 6 legitimations, deaths, fetal deaths, marital status, and  
 7 incidental supporting data."

8        Section 5. Section 50-15-108, MCA, is amended to read:  
 9        "50-15-108. Duty to furnish information. (1) Any  
 10 person having knowledge of the fact shall furnish  
 11 information he possesses about a birth, death, fetal death,  
 12 marriage, ~~or divorce~~ dissolution of marriage, or invalid  
 13 marriage upon demand of the department.

14        (2) The person in charge of any institution or  
 15 facility for the care of persons shall record and report all  
 16 data required by this chapter relating to inmates or  
 17 patients of the institution or facility."

18        Section 6. Section 50-15-111, MCA, is amended to read:  
 19        "50-15-111. Certified copy fee. (1) The department  
 20 shall prescribe a fee of not less than \$2 ~~\$5~~ ~~\$3~~ for a  
 21 certified copy of certificates or search of files.

22        (2) Fees received for a certified copy of a  
 23 certificate or a search of files shall be deposited in--the  
 24 ~~state general fund~~ as follows:

25        ~~(a) \$1 shall be deposited in an earmarked revenue fund~~

1        to be used by the department for the maintenance of indexes  
 2 to, and costs for the preservation of, vital records; and  
 3 (b) the remainder shall be deposited in the state  
 4 general fund."

5        Section 7. Section 50-15-301, MCA, is amended to read:  
 6        "50-15-301. Marriage certificates. Before the 16th  
 7 10th day of each month, each clerk of a district court shall  
 8 report marriage certificates filed with him during the  
 9 preceding calendar month to the department. Reports shall be  
 10 on forms and contain information prescribed by the  
 11 department. The applicant for a marriage license shall pay a  
 12 recording fee of 25 cents to the officer authorized to issue  
 13 the marriage license."

14        Section 8. Section 50-15-303, MCA, is amended to read:  
 15        "50-15-303. Certificates of dissolution of marriage,  
 16 adoption, declaration of invalidity of marriage, or  
 17 annulment of adoption. Before the 16th 10th day of each  
 18 month, the clerk of court shall prepare and forward to the  
 19 department a certificate for each decree of dissolution of  
 20 marriage, adoption, declaration of invalidity of marriage,  
 21 or annulment of adoption that became final during the  
 22 preceding calendar month. Certificates shall be on forms  
 23 prescribed by the department."

24        Section 9. Section 50-15-304, MCA, is amended to read:  
 25        "50-15-304. Substitute birth certificate for person

1 adopted. (1) The procedure for issuing a substitute birth  
 2 certificate for a person born in Montana and adopted is as  
 3 follows:

4 (a) before the 16th day of the month following the  
 5 order of adoption, the clerk of the district court shall  
 6 forward a certified copy of the final order of adoption to  
 7 the department or the department may accept a certified copy  
 8 of a final order of adoption from a court of competent  
 9 jurisdiction of a foreign state of the United States or a  
 10 tribal court of competent jurisdiction.

11 (b) The department shall prepare a substitute  
 12 certificate containing:

13 (i) the new name of the adopted person;  
 14 (ii) the true date and place of birth and sex of the  
 15 adopted person;

16 (iii) statistical facts concerning the adoptive parents  
 17 in place of the natural parents;

18 (iv) the words "department of health and environmental  
 19 sciences" substituted for the words "attendant's own  
 20 signature"; and

21 (v) dates of recording as shown on the original birth  
 22 certificate.

23 (2) The procedure for recording a substitute  
 24 certificate of birth for a person born in Montana and  
 25 adopted is as follows:

1 (a) The department shall send copies of the substitute  
 2 certificate to the local registrar and to the county clerk  
 3 and recorder.

4 (b) The local registrar and county clerk and recorder  
 5 shall immediately enter the substitute birth certificate in  
 6 its files and forward copies of the original birth record to  
 7 the department.

8 (c) The department shall seal original birth records  
 9 and open them only ~~on-demand-of-the-adopted-person-if-of~~  
 10 ~~legal-age-or~~ on order of a court.

11 (3) On receipt of a certified copy of a court order  
 12 annulling an adoption, the department shall restore the  
 13 original certificate to its place in its files and notify  
 14 the local registrar and county clerk and recorder.

15 Section 10. Section 50-20-110, MCA, is amended to  
 16 read:

17 "50-20-110. Reporting of practice of abortion. (1)  
 18 Every facility in which an abortion is performed within the  
 19 state shall keep on file upon a form prescribed by the  
 20 department a statement dated and certified by the physician  
 21 who performed the abortion setting forth such information  
 22 with respect to the abortion as the department by regulation  
 23 shall require, including but not limited to information on  
 24 prior pregnancies, the medical procedure employed to  
 25 administer the abortion, the gestational age of the fetus,

1 the vital signs of the fetus after abortion, if any, and if  
 2 after viability, the medical procedures employed to protect  
 3 and preserve the life and health of the fetus.

4 (2) The physician performing an abortion shall cause  
 5 such pathology studies to be made in connection therewith as  
 6 the department shall require by regulation, and the facility  
 7 shall keep the reports thereof on file.

8 (3) In connection with an abortion, the facility shall  
 9 keep on file the original of each of the documents required  
 10 by this chapter relating to informed consent, consent to  
 11 abortion, certification of necessity of abortion to preserve  
 12 the life or health of the mother, and certification of  
 13 necessity of abortion to preserve the life of the mother.

14 (4) Such facility shall, within 30 days after the  
 15 abortion, file with the department a report upon a form  
 16 prescribed by the department and certified by the custodian  
 17 of the records or physician in charge of such facility  
 18 setting forth all of the information required in subsections  
 19 (1), (2), and (3) of this section, except such information  
 20 as would identify any individual involved with the abortion.  
 21 The report shall exclude copies of any documents required to  
 22 be filed by subsection (3) of this section, but shall  
 23 certify that such documents were duly executed and are on  
 24 file.

25 (5) All reports and documents required by this chapter

1 shall be treated with the confidentiality afforded to  
 2 medical records, subject to such disclosure as is permitted  
 3 by law. Statistical data not identifying any individual  
 4 involved in an abortion shall be made public by the  
 5 department annually, and the report required by subsection  
 6 (4) of this section to be filed with the department shall be  
 7 available for public inspection except insofar as it  
 8 identifies any individual involved in an abortion. Names and  
 9 identities of persons submitting to abortion shall remain  
 10 confidential among medical and medical support personnel  
 11 directly involved in the abortion and among persons working  
 12 in the facility where the abortion was performed whose  
 13 duties include billing the patient or submitting claims to  
 14 an insurance company, keeping facility records, or  
 15 processing abortion data required by state law.

16 (6) Violation of this section is a misdemeanor and is  
 17 punishable as provided in 46-18-212a."

18 Section 11. Saving clause. This act does not affect  
 19 rights and duties that matured, penalties that were  
 20 incurred, or proceedings that were begun before the  
 21 effective date of this act.

22 Section 12. Severability. If a part of this act is  
 23 invalid, all valid parts that are severable from the invalid  
 24 part remain in effect. If a part of this act is invalid in  
 25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the  
2 invalid applications.

-End-

## 1                   SENATE BILL NO. 245

2                   INTRODUCED BY MAZUREK

3                   BY REQUEST OF

4                   THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

5  
6                   A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
7                   CLARIFY THE LAWS RELATING TO HEALTH AND THE FAMILY; AMENDING  
8                   SECTIONS 40-1-203, 40-1-205, 40-8-126, 50-15-101, 50-15-108,  
9                   50-15-111, 50-15-301, 50-15-303, 50-15-304, AND 50-20-110,  
10                  MCA."11  
12                  BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13                  Section 1. Section 40-1-203, MCA, is amended to read:  
14                  "40-1-203. Proof of age and medical certificate  
15                  required. (1) Before a person authorized by law to issue  
16                  marriage licenses may issue a marriage license, each  
17                  applicant therefor shall exhibit to him a birth certificate  
18                  or other satisfactory evidence of age and, if the applicant  
19                  is a minor, the approval required by 40-1-213 and shall file  
20                  with him a medical certificate from a ~~duty--qualified~~  
21                  physician, licensed to practice medicine and surgery in any  
22                  state or United States territory, or any other person  
23                  authorized by laws of Montana to make a medical certificate.  
24                  The certificate shall state that the applicant has been  
25                  given an examination--including a standard serological test,1                  made performed not more than 20 days before the date of  
2                  issuance of the license, and that the report of the results  
3                  of the serological test has been exhibited to the applicant  
4                  and that each party to the proposed marriage contract has  
5                  examined the report of the serological test of the other  
6                  party to the proposed contract.7                  (2) A person who by law is able to obtain a marriage  
8                  license in this state is also able to give consent to any  
9                  examinations and tests required by this section. In  
10                 submitting the blood specimen to the laboratory, the  
11                 physician or any other person authorized by the laws of  
12                 Montana to make a medical certificate shall designate that  
13                 it is a premarital test."14                  Section 2. Section 40-1-205, MCA, is amended to read:  
15                  "40-1-205. Certificates from other states or for  
16                  military personnel -- when acceptable. Certificate forms  
17                  provided by other states having comparable laws will be  
18                  accepted for persons who have been--examined--and--who--have  
19                  received a standard serological test outside of Montana if  
20                  such examinations--and tests are performed not more than 20  
21                  days before the issuance of a marriage license. Certificates  
22                  provided by the United States armed forces will be accepted  
23                  for military personnel if such certificates are signed by a  
24                  medical officer commissioned in the United States armed  
25                  forces or United States public health service and the

1 certificates state the examinations are standard serological  
 2 tests and were performed not more than 20 days before the  
 3 issuance of the marriage license."

4 Section 3. Section 40-8-126, MCA, is amended to read:  
 5 "40-8-126. Confidentiality of record and proceedings.

6 (1) Unless the court shall otherwise order, all hearings  
 7 held in proceedings under this part shall be confidential  
 8 and shall be held in closed court without admittance of any  
 9 person other than interested parties and their counsel.

10 (2) All papers and records pertaining to the adoption  
 11 shall be kept as a permanent record of the court and  
 12 withheld from inspection. No person shall have access to  
 13 such records except:

14 (a) for good cause shown, on order of the judge of the  
 15 court in which the decree of adoption was entered; or  
 16 (b) as provided in 50-15-206.

17 (3) All files and records pertaining to said adoption  
 18 proceedings in the county departments of public welfare, the  
 19 department of social and rehabilitation services, or any  
 20 authorized agencies shall be confidential and withheld from  
 21 inspection except upon order of court for good cause shown  
 22 or as provided in 50-15-206."

23 Section 4. Section 50-15-101, MCA, is amended to read:  
 24 "50-15-101. Definitions. Unless the context requires  
 25 otherwise, in this chapter the following definitions apply:

1 (1) "Board" means the board of health and  
 2 environmental sciences, provided for in 2-15-2104.

3 (2) "Dead body" means a lifeless human body or parts  
 4 of a body from which it reasonably may be concluded that  
 5 death occurred recently.

6 (3) "Department" means the department of health and  
 7 environmental sciences, provided for in Title 2, chapter 15,  
 8 part 21.

9 (4) "Dissolution of marriage" means a marriage  
 10 terminated pursuant to Title 40, chapter 4, part 1.

11 (5) "Fetal death" means a birth after 20 weeks of  
 12 gestation which is not a live birth.

13 (6) "Invalid marriage" means a marriage decreed by a  
 14 district court to be invalid for the reasons contained in  
 15 50-1-402.

16 (7) "Live birth" means the birth of a child who  
 17 shows evidence of life after being entirely outside the  
 18 mother.

19 (8) "Local registrar" means a person appointed by  
 20 the department to act as its agent in administering this  
 21 chapter in the area set forth in the letter of appointment.

22 (9) "Person in charge of interment" means a person  
 23 who places or causes to be placed a dead body or the ashes  
 24 after cremation in a grave, vault, urn, or other receptacle  
 25 or otherwise disposes of the body.

1       ~~187~~(10) "Physician" means a person legally authorized  
 2 to practice medicine in this state.

3       ~~197~~(11) "Vital statistics" includes the registration,  
 4 preparation, transcription, collection, compilation, and  
 5 preservation of data pertaining to births, adoptions,  
 6 legitimations, deaths, fetal deaths, marital status, and  
 7 incidental supporting data."

8       Section 5. Section 50-15-108, MCA, is amended to read:  
 9       "50-15-108. Duty to furnish information. (1) Any  
 10 person having knowledge of the fact shall furnish  
 11 information he possesses about a birth, death, fetal death,  
 12 marriage, or ~~divorce~~ dissolution of marriage, or invalid  
 13 marriage upon demand of the department.

14       (2) The person in charge of any institution or  
 15 facility for the care of persons shall record and report all  
 16 data required by this chapter relating to inmates or  
 17 patients of the institution or facility."

18       Section 6. Section 50-15-111, MCA, is amended to read:  
 19       "50-15-111. Certified copy fee. (1) The department  
 20 shall prescribe a fee of not less than \$2 ~~\$5~~ ~~\$3~~ for a  
 21 certified copy of certificates or search of files.

22       (2) Fees received for a certified copy of a  
 23 certificate or a search of files shall be deposited in--the  
 24 state-general-fund as follows:

25       ~~(a) \$1 shall be deposited in an earmarked revenue fund~~

1       to be used by the department for the maintenance of indexes  
 2 to, and costs for the preservation of, vital records; and  
 3 (b) the remainder shall be deposited in the state  
 4 general fund."

5       Section 7. Section 50-15-301, MCA, is amended to read:  
 6       "50-15-301. Marriage certificates. Before the 16th  
 7 10th day of each month, each clerk of a district court shall  
 8 report marriage certificates filed with him during the  
 9 preceding calendar month to the department. Reports shall be  
 10 on forms and contain information prescribed by the  
 11 department. The applicant for a marriage license shall pay a  
 12 recording fee of 25 cents to the officer authorized to issue  
 13 the marriage license."

14       Section 8. Section 50-15-303, MCA, is amended to read:  
 15       "50-15-303. Certificates of dissolution of marriage,  
 16 adoption, declaration of invalidity of marriage, or  
 17 annulment of adoption. Before the 16th 10th day of each  
 18 month, the clerk of court shall prepare and forward to the  
 19 department a certificate for each decree of dissolution of  
 20 marriage, adoption, declaration of invalidity of marriage,  
 21 or annulment of adoption that became final during the  
 22 preceding calendar month. Certificates shall be on forms  
 23 prescribed by the department."

24       Section 9. Section 50-15-304, MCA, is amended to read:  
 25       "50-15-304. Substitute birth certificate for person

1 adopted. (1) The procedure for issuing a substitute birth  
 2 certificate for a person born in Montana and adopted is as  
 3 follows:

4 (a) Before the 16th day of the month following the  
 5 order of adoption, the clerk of the district court shall  
 6 forward a certified copy of the final order of adoption to  
 7 the department or the department may accept a certified copy  
 8 of a final order of adoption from a court of competent  
 9 jurisdiction of a foreign state of the United States or a  
 10 tribal court of competent jurisdiction.

11 (b) The department shall prepare a substitute  
 12 certificate containing:

13 (i) the new name of the adopted person;  
 14 (ii) the true date and place of birth and sex of the  
 15 adopted person;

16 (iii) statistical facts concerning the adoptive parents  
 17 in place of the natural parents;

18 (iv) the words "department of health and environmental  
 19 sciences" substituted for the words "attendant's own  
 20 signature"; and

21 (v) dates of recording as shown on the original birth  
 22 certificate.

23 (2) The procedure for recording a substitute  
 24 certificate of birth for a person born in Montana and  
 25 adopted is as follows:

1 (a) The department shall send copies of the substitute  
 2 certificate to the local registrar and to the county clerk  
 3 and recorder.

4 (b) The local registrar and county clerk and recorder  
 5 shall immediately enter the substitute birth certificate in  
 6 its files and forward copies of the original birth record to  
 7 the department.

8 (c) The department shall seal original birth records  
 9 and open them only on-demand-of-the-adopted-person-if-of  
 10 legal age or on order of a court.

11 (3) On receipt of a certified copy of a court order  
 12 annulling an adoption, the department shall restore the  
 13 original certificate to its place in its files and notify  
 14 the local registrar and county clerk and recorder."

15 Section 10. Section 50-20-110, MCA, is amended to  
 16 read:

17 "50-20-110. Reporting of practice of abortion. (1)  
 18 Every facility in which an abortion is performed within the  
 19 state shall keep on file upon a form prescribed by the  
 20 department a statement dated and certified by the physician  
 21 who performed the abortion setting forth such information  
 22 with respect to the abortion as the department by regulation  
 23 shall require, including but not limited to information on  
 24 prior pregnancies, the medical procedure employed to  
 25 administer the abortion, the gestational age of the fetus,

1 the vital signs of the fetus after abortion, if any, and if  
 2 after viability, the medical procedures employed to protect  
 3 and preserve the life and health of the fetus.

4 (2) The physician performing an abortion shall cause  
 5 such pathology studies to be made in connection therewith as  
 6 the department shall require by regulation, and the facility  
 7 shall keep the reports thereof on file.

8 (3) In connection with an abortion, the facility shall  
 9 keep on file the original of each of the documents required  
 10 by this chapter relating to informed consent, consent to  
 11 abortion, certification of necessity of abortion to preserve  
 12 the life or health of the mother, and certification of  
 13 necessity of abortion to preserve the life of the mother.

14 (4) Such facility shall, within 30 days after the  
 15 abortion, file with the department a report upon a form  
 16 prescribed by the department and certified by the custodian  
 17 of the records or physician in charge of such facility  
 18 setting forth all of the information required in subsections  
 19 (1), (2), and (3) of this section, except such information  
 20 as would identify any individual involved with the abortion.  
 21 The report shall exclude copies of any documents required to  
 22 be filed by subsection (3) of this section, but shall  
 23 certify that such documents were duly executed and are on  
 24 file.

25 (5) All reports and documents required by this chapter

1 shall be treated with the confidentiality afforded to  
 2 medical records, subject to such disclosure as is permitted  
 3 by law. Statistical data not identifying any individual  
 4 involved in an abortion shall be made public by the  
 5 department annually, and the report required by subsection  
 6 (4) of this section to be filed with the department shall be  
 7 available for public inspection except insofar as it  
 8 identifies any individual involved in an abortion. Names and  
 9 identities of persons submitting to abortion shall remain  
 10 confidential among medical and medical support personnel  
 11 directly involved in the abortion and among persons working  
 12 in the facility where the abortion was performed whose  
 13 duties include billing the patient or submitting claims to  
 14 an insurance company, keeping facility records, or  
 15 processing abortion data required by state law.

16 (6) Violation of this section is a misdemeanor and is  
 17 punishable as provided in 46-18-212."

18 Section 11. Saving clause. This act does not affect  
 19 rights and duties that matured, penalties that were  
 20 incurred, or proceedings that were begun before the  
 21 effective date of this act.

22 Section 12. Severability. If a part of this act is  
 23 invalid, all valid parts that are severable from the invalid  
 24 part remain in effect. If a part of this act is invalid in  
 25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the  
2 invalid applications.

-End-