



January 21, 2000

HOUSE BILL No. 1149

DIGEST OF HB 1149 (Updated January 20, 2000 11:30 AM - DI 97)

Citations Affected: IC 9-18; IC 16-18; IC 16-34.

Synopsis: Indiana child protection trust license plate and abortion facility standards. Requires the bureau of motor vehicles to issue an Indiana child protection trust license plate. Requires the additional fee required for the Indiana child protection trust license plate to be deposited in the Indiana child protection trust fund and distributed to an organization established to raise funds for certain charitable organizations. Requires that if a first trimester abortion is performed in a facility where the primary purpose is performance of surgical procedures and services, the facility must be licensed as an ambulatory outpatient surgical center.

Effective: January 1, 2001.

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January 10, 2000, read first time and referred to Committee on Insurance, Corporations and Small Business.
January 20, 2000, amended, reported — Do Pass.

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January 21, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1149

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-18-47 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2001]:

4 **Chapter 47. Indiana Child Protection Trust License Plates**

5 **Sec. 1. As used in this chapter, "child adoption agency" means**
6 **a nonpublic charitable organization exempt from federal taxation**
7 **under Section 501(c) of the Internal Revenue Code that:**

8 (1) is licensed as a child placing agency under IC 12-17.4-6;
9 and

10 (2) facilitates the adoption of children.

11 **Sec. 2. As used in this chapter, "crisis pregnancy center" means**
12 **a charitable organization exempt from federal taxation under**
13 **Section 501(c) of the Internal Revenue Code that is:**

14 (1) located within Indiana; and

15 (2) organized for the purpose of providing counseling for
16 pregnant women and persons relative to the pregnancy on
17 matters intended to result in a live birth and possible home

HB 1149—LS 6528/DI 97+



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placement of the child.

Sec. 3. The bureau of motor vehicles shall design and issue an Indiana child protection trust license plate. The Indiana child protection trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 4. A person who is eligible to register a vehicle under this title is eligible to receive an Indiana child protection trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana child protection trust license plate.
- (2) Paying the fees under section 5 of this chapter.

Sec. 5. (a) The fees for an Indiana child protection trust license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).
- (2) An annual fee of twenty-five dollars (\$25).

(b) The bureau shall collect the fee described in subsection (a)(2).

(c) The annual fee described in subsection (a)(2) shall be deposited in the fund established by section 6 of this chapter.

Sec. 6. (a) The Indiana child protection trust fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The commissioner shall administer the trust fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the fund to the organization established under section 7 of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 7. (a) To qualify for distributions from the Indiana child protection trust fund, representatives of charitable organizations that are located within Indiana, that are exempt from federal taxation under Section 501(c) of the Internal Revenue Code, and that are designated in subsection (b) must establish an organization that:

- (1) is a charitable organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code;
- (2) is registered to do business in Indiana;
- (3) is located in Indiana; and
- (4) exists for the purpose of raising funds on behalf of the

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- 1 **organizations designated in subsection (b).**
 2 **(b) An organization established under subsection (a) must**
 3 **include two (2) representatives from each of the following:**
 4 **(1) Crisis pregnancy centers.**
 5 **(2) Child adoption agencies.**
 6 **(3) Indiana Citizens for Life.**
 7 **(4) Indiana Right to Life.**
 8 **(c) The organization established under subsection (a) shall**
 9 **distribute money received through a distribution under section 6**
 10 **of this chapter to the organizations designated under section 8 of**
 11 **this chapter.**
 12 **Sec. 8. (a) The organization established under section 7(a) of this**
 13 **chapter shall provide applications that allow a person purchasing**
 14 **an Indiana child protection trust license plate to designate:**
 15 **(1) a crisis pregnancy center;**
 16 **(2) a child adoption agency;**
 17 **(3) a local affiliate of Indiana Citizens for Life;**
 18 **(4) a local affiliate of Indiana Right to Life;**
 19 **(5) any other charitable organization that is:**
 20 **(A) exempt from federal taxation under Section 501(c) of**
 21 **the Internal Revenue Code;**
 22 **(B) registered to do business in Indiana;**
 23 **(C) located in Indiana; and**
 24 **(D) approved by the organization established under**
 25 **subsection 7(a);**
 26 **(6) Indiana Citizens for Life; or**
 27 **(7) Indiana Right to Life;**
 28 **as the recipient of the fee collected from the person under section**
 29 **5(a)(2) of this chapter.**
 30 **(b) In any calendar year, an organization referred to in**
 31 **subsection (a) may no longer receive fees paid under section 5(a)(2)**
 32 **of this chapter if the organization has already been designated as**
 33 **the recipient of fees collected under section 5(a)(2) of this chapter**
 34 **in the purchase of at least twenty-five (25) Indiana child protection**
 35 **license plates.**
 36 **(c) Notwithstanding the designation of fees under this section,**
 37 **the organization established under section 7(a) of this chapter may**
 38 **retain from each distribution of funds to the organization under**
 39 **section 6(d) of this chapter an amount sufficient to pay the**
 40 **reasonable costs of administering the program.**
 41 **SECTION 2. IC 16-18-2-14 IS AMENDED TO READ AS**
 42 **FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. "Ambulatory**



1 outpatient surgical center" for purposes of IC 16-21 means a public or
 2 private institution that meets the following conditions:

3 (1) Is established, equipped, and operated primarily for the
 4 purpose of performing surgical procedures and services.

5 (2) Is operated under the supervision of at least one (1) licensed
 6 physician or under the supervision of the governing board of the
 7 hospital if the center is affiliated with a hospital.

8 (3) Permits a surgical procedure to be performed only by a
 9 physician, dentist, or podiatrist who meets the following
 10 conditions:

11 (A) Is qualified by education and training to perform the
 12 surgical procedure.

13 (B) Is legally authorized to perform the procedure.

14 (C) Is privileged to perform surgical procedures in at least one
 15 (1) hospital within the county or an Indiana county adjacent to
 16 the county in which the ambulatory outpatient surgical center
 17 is located.

18 (D) Is admitted to the open staff of the ambulatory outpatient
 19 surgical center.

20 (4) Requires that a licensed physician with specialized training or
 21 experience in the administration of an anesthetic supervise the
 22 administration of the anesthetic to a patient and remain present in
 23 the facility during the surgical procedure, except when only a
 24 local infiltration anesthetic is administered.

25 (5) Provides at least one (1) operating room and, if anesthetics
 26 other than local infiltration anesthetics are administered, at least
 27 one (1) postanesthesia recovery room.

28 (6) Is equipped to perform diagnostic x-ray and laboratory
 29 examinations required in connection with any surgery performed.

30 (7) Does not provide accommodations for patient stays of longer
 31 than twenty-four (24) hours.

32 (8) Provides full-time services of registered and licensed nurses
 33 for the professional care of the patients in the postanesthesia
 34 recovery room.

35 (9) Has available the necessary equipment and trained personnel
 36 to handle foreseeable emergencies such as a defibrillator for
 37 cardiac arrest, a tracheotomy set for airway obstructions, and a
 38 blood bank or other blood supply.

39 (10) Maintains a written agreement with at least one (1) hospital
 40 for immediate acceptance of patients who develop complications
 41 or require postoperative confinement.

42 (11) Provides for the periodic review of the center and the center's

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1 operations by a committee of at least three (3) licensed physicians
2 having no financial connections with the center.
3 (12) Maintains adequate medical records for each patient.
4 (13) Meets all additional minimum requirements as established by
5 the state department for building and equipment requirements.
6 (14) Meets the rules and other requirements established by the
7 state department for the health, safety, and welfare of the patients.
8 SECTION 3. IC 16-34-2-1.5 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2001]: **Sec. 1.5. (a) This section does not apply to a**
11 **hospital licensed under IC 16-21.**
12 **(b) In addition to the requirements under section 1(a)(1) of this**
13 **chapter, if a first trimester abortion is performed in an institution**
14 **described in IC 16-18-2-14(1), the institution must be licensed as an**
15 **ambulatory outpatient surgical center under IC 16-21.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1149, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and health.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1149 as introduced.)

FRY, Chair

Committee Vote: yeas 10, nays 0.

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