

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 335 be amended to read as follows:

- 1 Page 1, between lines 7 and 8, begin a new paragraph and insert:
2 "SECTION 2. IC 16-18-2-289.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: **Sec. 289.7. "Pregnancy termination",**
5 **for the purposes of IC 16-34, has the meaning set forth in**
6 **IC 16-34-3."**
7 Page 6, between lines 21 and 22, begin a new paragraph and insert:
8 "SECTION 6. IC 16-34-2-6.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. A physician may not perform**
11 **an abortion unless the physician is licensed as a termination of**
12 **pregnancy specialist under IC 16-34-3.**
13 SECTION 7. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS
14 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2007]:
16 **Chapter 3. Termination of Pregnancy Specialist**
17 **Sec. 1. As used in this chapter, "pregnancy termination" has the**
18 **meaning set forth for abortion in IC 16-18-2-1.**
19 **Sec. 2. The state department shall establish a program to license**
20 **physicians as termination of pregnancy specialists.**
21 **Sec. 3. The state department shall adopt rules under IC 4-22-2**
22 **to do the following:**
23 **(1) Establish health and safety standards for the competent**
24 **practice of pregnancy termination.**

1 **(2) Carry out this chapter.**

2 **Sec. 4. The rules governing the competent practice of pregnancy**
3 **termination may include a requirement that a licensee complete the**
4 **continuing education specified by the state department.**

5 **Sec. 5. To qualify as a termination of pregnancy specialist, an**
6 **individual must do the following:**

7 **(1) Apply to the state department in the form and in the**
8 **manner specified by the state department.**

9 **(2) Be a physician licensed in Indiana under IC 25-22.5.**

10 **(3) Meet the qualifications for competent practice of**
11 **pregnancy termination established by the state department.**

12 **(4) Not be convicted of a crime that has a direct bearing on**
13 **the individual's ability to continue to practice pregnancy**
14 **termination competently.**

15 **(5) Pay a fee of twenty thousand dollars (\$20,000).**

16 **Sec. 6. A license issued under this chapter is valid for one (1)**
17 **year.**

18 **Sec. 7. The state department shall establish a program to renew**
19 **termination of pregnancy specialist licenses. An individual must**
20 **meet the qualifications specified in section 5 of this chapter to**
21 **qualify for renewal of a termination of pregnancy specialist license.**

22 **Sec. 8. The state department may suspend or revoke a**
23 **termination of pregnancy specialist license of any licensee who:**

24 **(1) Violates a statute or rule governing the competent practice**
25 **of pregnancy termination.**

26 **(2) Violates a statute governing abortion.**

27 **(3) Is convicted of a crime that has a direct bearing on the**
28 **individual's ability to continue to practice pregnancy**
29 **termination competently.**

30 **Sec. 9. A revocation or suspension of a termination of pregnancy**
31 **specialist license continues for the period specified by the state**
32 **board. An individual may not apply to renew a termination of**
33 **pregnancy specialist license during the period that the individual's**
34 **license is suspended or revoked.**

35 **Sec. 10. A physician who recklessly, knowingly, or intentionally**
36 **performs a pregnancy termination without a license under this**
37 **chapter commits a Class A misdemeanor.**

38 **Sec. 11. The attorney general, at the request of the state**
39 **department, may petition a circuit or superior court to enjoin the**
40 **following:**

41 **(1) An individual who is not licensed under this chapter from**
42 **performing a pregnancy termination.**

43 **(2) Any entity from employing or providing facilities to an**
44 **individual who is not licensed under this chapter for the**
45 **purpose of performing a pregnancy termination.**

46 **Sec. 12. Money:**

47 **(1) collected under this chapter from licensing and renewal**

1 fees; and
 2 (2) not needed to carry out this chapter;
 3 shall be deposited in the young woman's advancement grant fund
 4 established under IC 21-12-9-5.

5 SECTION 8. IC 21-12-9 IS ADDED TO THE INDIANA CODE AS
 6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2007]:

8 **Chapter 9. Young Woman's Advancement Grant**

9 **Sec. 1. The young woman's advancement grant is established.**
 10 **The commission shall administer the young woman's advancement**
 11 **grant program.**

12 **Sec. 2. A person is eligible for a young woman advancement**
 13 **grant if:**

14 (1) the person is qualified for a higher education award under
 15 the terms of IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or
 16 IC 21-12-3-4 and IC 21-12-3-5, even if a lack of funds prevents
 17 the award or grant;

18 (2) the person has a financial need that exceeds the award, as
 19 determined in accordance with:

20 (A) this chapter, IC 21-11, IC 21-12-2, and IC 21-12-3; and

21 (B) the rules of the commission; and

22 (3) the person will attend an approved postsecondary
 23 educational institution that either:

24 (A) operates in Indiana and provides an organized two (2)
 25 year or longer program of collegiate grade directly
 26 creditable toward a baccalaureate degree or an advanced
 27 degree; or

28 (B) is a hospital that operates a nursing diploma program
 29 that is accredited by the Indiana state board of nursing.

30 **Sec. 3. Young woman advancement grant renewals are governed**
 31 **by the same conditions as are set forth in IC 21-12-3-9.**

32 **Sec. 4. The amount of a young woman advancement grant may**
 33 **not exceed the lesser of the following:**

34 (1) The difference between:

35 (A) the amount of the total financial need of the student, as
 36 determined under the commission's rules; and

37 (B) the:

38 (i) higher education award made under IC 21-12-3-1,
 39 IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and
 40 IC 21-12-3-5; or

41 (ii) the sum necessary to pay educational costs at the
 42 institution;

43 whichever is smaller.

44 (2) The amount available in the young woman's advancement
 45 grant fund.

46 **Sec. 5. The auditor of the state shall create a separate and**
 47 **segregated young woman's advancement grant fund distinct from**

- 1 **the higher education award fund.**
- 2 **Sec. 6. All money disbursed from the young woman's**
- 3 **advancement grant fund shall be in accordance with the provisions**
- 4 **of this chapter.**
- 5 **Sec. 7. Money remaining in the young woman's advancement**
- 6 **fund at the end of any fiscal year does not revert to the state**
- 7 **general fund, but remains available to be used for making young**
- 8 **woman's advancement grants under this chapter."**
- 9 Page 62, between lines 24 and 25, begin a new paragraph and insert:
- 10 **"SECTION 84. [EFFECTIVE JULY 1, 2007] (a) The definitions in**
- 11 **IC 16-18-2 apply throughout this SECTION.**
- 12 **(b) Notwithstanding IC 16-34-2-6.5 and IC 16-34-3, both as**
- 13 **added by this act, a physician may perform a pregnancy**
- 14 **termination in Indiana without a pregnancy termination specialist**
- 15 **license before September 1, 2007.**
- 16 **(c) The state department of health may adopt temporary rules**
- 17 **in the manner provided for the adoption of emergency rules under**
- 18 **IC 4-22-2-37.1 to carry out IC 16-34-3, as added by this act. A**
- 19 **temporary rule adopted under this SECTION expires on the**
- 20 **earliest of the following:**
- 21 **(1) The date a permanent rule supersedes a temporary rule**
- 22 **adopted under this SECTION.**
- 23 **(2) The date another temporary rule supersedes or amends a**
- 24 **temporary rule adopted under this SECTION.**
- 25 **(3) December 31, 2008."**
- 26 Renumber all SECTIONS consecutively.
 (Reference is to ESB 335 as printed April 3, 2007.)

Representative Walorski