
HOUSE BILL No. 1210

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-34; IC 27-8-33.

Synopsis: Various abortion matters. Provides that for consent to an abortion to be voluntary and informed, a physician must inform the pregnant woman that the fetus might feel pain. Requires a pregnant woman seeking an abortion to view fetal ultrasound imaging unless the pregnant woman states in writing that the pregnant woman does not want to view the fetal ultrasound imaging. Requires a physician who performs an abortion to: (1) have admitting privileges at a hospital in the county or in a county adjacent to the county where the abortion is performed; and (2) notify the patient of the hospital location where the patient can receive follow-up care by the physician. Prohibits qualified health plans under the federal health care reform law from providing coverage for abortion.

Effective: July 1, 2011.

Turner, Cheatham, Culver

January 12, 2011, read first time and referred to Committee on Public Health.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1210



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

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

1 SECTION 1. IC 16-34-1-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 8. A qualified health plan (as defined in IC 27-8-33-3)**
4 **offered under Subtitle D of Title 1 of the federal Patient Protection**
5 **and Affordable Care Act (P.L. 111-148) may not provide coverage**
6 **for abortion.**

7 SECTION 2. IC 16-34-2-1.1, AS AMENDED BY P.L.44-2009,
8 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 1.1. (a) An abortion shall not be performed except
10 with the voluntary and informed consent of the pregnant woman upon
11 whom the abortion is to be performed. Except in the case of a medical
12 emergency, consent to an abortion is voluntary and informed only if the
13 following conditions are met:

14 (1) At least eighteen (18) hours before the abortion and in the
15 presence of the pregnant woman, the physician who is to perform
16 the abortion, the referring physician or a physician assistant (as
17 defined in IC 25-27.5-2-10), an advanced practice nurse (as



1 defined in IC 25-23-1-1(b)), or a midwife (as defined in
2 IC 34-18-2-19) to whom the responsibility has been delegated by
3 the physician who is to perform the abortion or the referring
4 physician has orally informed the pregnant woman of the
5 following:

- 6 (A) The name of the physician performing the abortion.
- 7 (B) The nature of the proposed procedure or treatment.
- 8 (C) The risks of and alternatives to the procedure or treatment.
- 9 (D) The probable gestational age of the fetus, including an
10 offer to provide:

- 11 (i) a picture or drawing of a fetus;
- 12 (ii) the dimensions of a fetus; and
- 13 (iii) relevant information on the potential survival of an
14 unborn fetus;

15 at this stage of development.

16 (E) The medical risks associated with carrying the fetus to
17 term.

18 (F) The availability of fetal ultrasound imaging and
19 auscultation of fetal heart tone services to enable the pregnant
20 woman to view the image and hear the heartbeat of the fetus
21 and how to obtain access to these services.

22 **(G) That the fetus might feel pain.**

23 (2) At least eighteen (18) hours before the abortion, the pregnant
24 woman will be orally informed of the following:

- 25 (A) That medical assistance benefits may be available for
26 prenatal care, childbirth, and neonatal care from the county
27 office of the division of family resources.
- 28 (B) That the father of the unborn fetus is legally required to
29 assist in the support of the child. In the case of rape, the
30 information required under this clause may be omitted.
- 31 (C) That adoption alternatives are available and that adoptive
32 parents may legally pay the costs of prenatal care, childbirth,
33 and neonatal care.

34 (3) The pregnant woman certifies in writing, before the abortion
35 is performed, that the information required by subdivisions (1)
36 and (2) has been provided.

37 (b) Before an abortion is performed, the pregnant woman ~~may, upon~~
38 ~~the pregnant woman's request, shall~~ view the fetal ultrasound imaging
39 and hear the auscultation of the fetal heart tone if the fetal heart tone is
40 audible **unless the pregnant woman certifies in writing, before the**
41 **abortion is performed, that the pregnant woman does not want to**
42 **view the fetal ultrasound imaging.**

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1 SECTION 3. IC 16-34-2-4.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2011]: **Sec. 4.5. (a) A physician may not perform an abortion**
 4 **unless the physician has admitting privileges at a hospital located:**
 5 **(1) in the county; or**
 6 **(2) in a county adjacent to the county;**
 7 **in which the abortion is performed.**
 8 **(b) A physician who performs an abortion shall notify the**
 9 **patient of the location of the hospital at which the physician has**
 10 **privileges and where the patient may receive follow-up care by the**
 11 **physician if complications arise.**
 12 SECTION 4. IC 27-8-33 IS ADDED TO THE INDIANA CODE AS
 13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2011]:
 15 **Chapter 33. Health Care Exchanges and Abortion**
 16 **Sec. 1. As used in this chapter, "abortion" means the**
 17 **termination of human pregnancy with an intention other than to**
 18 **produce a live birth or to remove a dead fetus.**
 19 **Sec. 2. As used in this chapter, "federal Patient Protection and**
 20 **Affordable Care Act" includes amendments made by the federal**
 21 **Health Care and Education Reconciliation Act of 2010 (P.L.**
 22 **111-152).**
 23 **Sec. 3. As used in this chapter, "qualified health plan" has the**
 24 **meaning set forth in Section 1301 of the federal Patient Protection**
 25 **and Affordable Care Act (P.L. 111-148).**
 26 **Sec. 4. A qualified health plan offered under Subtitle D of Title**
 27 **1 of the federal Patient Protection and Affordable Care Act may**
 28 **not provide coverage for abortion.**

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