

# HOUSE BILL No. 1258

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-126.5; IC 16-34-3.

**Synopsis:** Provision of RU-486. Establishes requirements to be met before RU-486 (mifepristone) may be prescribed to an individual for the purpose of inducing an abortion. Requires physicians who become aware of specified adverse events after the provision of RU-486 to make a written report to the medical licensing board of Indiana. Requires the medical licensing board to compile the written reports, omit personal identifying information, and retain the reports as public records. Establishes a Class D felony (or a Class C felony for subsequent violations) if a person knowingly provides RU-486 in violation of the specified requirements.

**Effective:** July 1, 2011.

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**Morris**

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January 20, 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. 1258



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 16-18-2-126.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: **Sec. 126.5. "Federal law", for**  
4 **purposes of IC 16-34-3, has the meaning set forth in IC 16-34-3-1.**

5 SECTION 2. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS  
6 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2011]:

8 **Chapter 3. RU-486 (mifepristone)**

9 **Sec. 1. As used in this chapter, "federal law" includes a federal**  
10 **law, rule, or regulation, including a drug approval letter from the**  
11 **federal Food and Drug Administration.**

12 **Sec. 2. This chapter does not apply to the following:**

13 (1) **A pregnant woman who obtains or possesses RU-486**  
14 **(mifepristone) for the purpose of inducing an abortion to**  
15 **terminate the pregnant woman's own pregnancy.**

16 (2) **The legal transportation of RU-486 (mifepristone) by any**  
17 **person or entity and the legal delivery of RU-486**



1 (mifepristone) by a person to the recipient, if the  
 2 transportation and delivery do not include conduct described  
 3 in section 3 of this chapter.

4 (3) The legal sale, distribution, or provision of RU-486  
 5 (mifepristone) by a legal manufacturer or legal distributor of  
 6 RU-486 (mifepristone) if the manufacturer or distributor  
 7 made a good faith effort to comply with federal law regarding  
 8 the distribution, provision, and sale of RU-486 (mifepristone).

9 Sec. 3. A person may not prescribe RU-486 (mifepristone) to an  
 10 individual for the purpose of inducing an abortion or enabling  
 11 another person to induce an abortion unless the person who  
 12 prescribes RU-486 (mifepristone) meets the following:

13 (1) The person is a physician licensed under IC 25-22.5.

14 (2) The person satisfies all the criteria established by federal  
 15 law that a physician must meet in order to provide or  
 16 prescribe RU-486 (mifepristone) for inducing abortions.

17 Sec. 4. (a) This subsection applies to a physician licensed under  
 18 IC 25-22.5 who provides or prescribes RU-486 (mifepristone) to an  
 19 individual for the purpose of inducing an abortion. If the physician  
 20 is aware or becomes aware that the individual, after use of RU-486:

21 (1) is hospitalized;

22 (2) receives a transfusion; or

23 (3) experiences:

24 (A) an incomplete abortion;

25 (B) severe bleeding;

26 (C) an adverse reaction; or

27 (D) any other serious event;

28 the physician shall report in writing the occurrence to the medical  
 29 licensing board of Indiana.

30 (b) The medical licensing board of Indiana shall:

31 (1) compile the reports described in subsection (a);

32 (2) omit any personal identifying information from the  
 33 reports; and

34 (3) retain the reports received under this section as public  
 35 records.

36 Sec. 5. (a) A person who knowingly violates section 3 of this  
 37 chapter commits a Class D felony. The offense is a Class C felony  
 38 if the person has a prior unrelated conviction for violating section  
 39 3 of this chapter.

40 (b) In addition to the penalty described in subsection (a), an  
 41 individual who knowingly violates section 3 of this chapter and is  
 42 licensed or certified under IC 25 is subject to sanctioning under the

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1 individual's professional license or certificate, including action  
2 under IC 25-1-9.

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