Reprinted
Incorporated Title Amendment
April 1, 2011

SENATE BILL No. 245

DIGEST OF SB 245 (Updated January 31, 2011 3:12 pm - DI 84)

Citations Affected: IC 16-19; IC 16-41.

Synopsis: Prenatal substance abuse commission and office of women's health. Creates the prenatal substance abuse commission and requires the commission to develop and recommend a coordinated plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco. (The commission was originally created in 2007 and expired December 31, 2009.) Provides that the office of women's health may seek funding and accept gifts from individuals.

Effective: Upon passage; July 1, 2011.

Kruse, Miller, Breaux, Simpson

January 6, 2011, read first time and referred to Committee on Health and Provider Services.
January 20, 2011, reported favorably — Do Pass.
January 24, 2011, read second time, amended, ordered engrossed.
January 25, 2011, engrossed.
January 31, 2011, read third time, title amendment; passed. Yeas 26, nays 23.

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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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SENATE BILL No. 245

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

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

SECTION 1. IC 16-19-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The office is established for the following purposes:

(1) To educate and advocate for women's health by requesting that the state department, either on its own or in partnership with other entities, establish appropriate forums, programs, or initiatives designed to educate the public regarding women's health, with an emphasis on preventive health and healthy lifestyles.

(2) To assist the state health commissioner in identifying, coordinating, and establishing priorities for programs, services, and resources the state should provide for women's health issues and concerns relating to the reproductive, menopausal, and postmenopausal phases of a woman's life, with an emphasis on postmenopausal health.

(3) To serve as a clearinghouse and resource for information regarding women's health data, strategies, services, and programs that address women's health issues, including the following:

(A) Diseases that significantly impact women, including heart

disease, cancer, and osteoporosis.
(B) Menopause.
(C) Mental health.
(D) Substance abuse.
(E) Sexually transmitted diseases.
(F) Sexual assault and domestic violence.
(4) To collect, classify, and analyze relevant research information and data conducted or compiled by:
(A) the state department; or
(B) other entities in collaboration with the state department;
and to provide interested persons with information regarding the research results, except as prohibited by law.
(5) To develop and recommend funding and program activities for educating the public on women's health initiatives, including the following:
(A) Health needs throughout a woman's life.
(B) Diseases that significantly affect women, including heart disease, cancer, and osteoporosis.
(C) Access to health care for women.
(D) Poverty and women's health.
(E) The leading causes of morbidity and mortality for women.
(F) Special health concerns of minority women.
(6) To make recommendations to the state health commissioner regarding programs that address women's health issues for inclusion in the state department's biennial budget and strategic planning.
(7) To seek funding from private or governmental entities**, and to seek funding and accept gifts from individuals** to carry out the purposes of this chapter.
(8) To prepare materials for publication and dissemination to the public on women's health.
(9) To conduct public educational forums in Indiana to raise public awareness and to educate citizens about women's health programs, issues, and services.
(10) To coordinate the activities and programs of the office with other entities that focus on women's health or women's issues, including the Indiana commission for women (IC 4-23-25-3).
(11) To represent the state health commissioner, upon request, before the general assembly and the Indiana commission for women established by IC 4-23-25-3.
(12) To provide an annual report to the governor, the legislative council, and the Indiana commission for women regarding the

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successes of the programs of the office, priorities and services needed for women's health in Indiana, and areas for improvement. A report provided under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.

This section does not allow the director or any employees of the office to advocate, promote, refer to, or otherwise advance abortion or abortifacients.

SECTION 2. IC 16-41-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16.5. Prevention and Treatment Programs: Prenatal Substance Abuse Commission

Sec. 1. As used in this chapter, "commission" refers to the prenatal substance abuse commission established by section 2 of this chapter.

Sec. 2. The prenatal substance abuse commission is established to develop and recommend a coordinated plan to improve early intervention and treatment for pregnant women who:

(1) abuse alcohol or drugs; or

(2) use tobacco.

Sec. 3. The commission consists of the following members:

(1) The state health commissioner or the commissioner's designee.

(2) The director of the division of mental health and addiction or the director's designee.

(3) The director of the office of Medicaid policy and planning or the director's designee.

(4) The director of the department of child services or the director's designee.

(5) One (1) physician specializing in addiction treatment of pregnant women.

(6) One (1) physician specializing in the care of pregnant women.

(7) One (1) social worker certified in the treatment of alcohol, tobacco, and other drug abuse.

(8) One (1) woman who has received treatment for alcohol, tobacco, or other drug abuse during pregnancy.

(9) One (1) advocate recommended by the March of Dimes, Indiana Chapter.

(10) One (1) prosecuting attorney or a deputy prosecuting attorney who practices in a problem solving court established under IC 33-23-16.

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(11) One (1) judge of a problem solving court established under IC 33-23-16.

(12) Two (2) members of the house of representatives, who are nonvoting members. The members appointed under this subdivision may not be members of the same political party.

(13) Two (2) members of the senate, who are nonvoting members. The members appointed under this subdivision may not be members of the same political party.

(14) An advanced practice nurse who has a collaborative agreement with a physician who specializes in addiction treatment for pregnant women or the care of pregnant women.

The speaker of the house of representatives shall appoint the members under subdivisions (5), (7), (9), (10), and (12) not later than July 1, 2011. The president pro tempore of the senate shall appoint the members under subdivisions (6), (8), (11), (13), and (14) not later than July 1, 2011. Vacancies shall be filled by the appointing authority for the remainder of an unexpired term.

Sec. 4. A majority of the voting members of the commission constitutes a quorum.

Sec. 5. The state department shall provide staff and administrative support for the commission.

Sec. 6. The state health commissioner or the commissioner's designee shall convene the first meeting of the commission before September 1, 2011. The commission shall elect a member of the commission to serve as chairperson of the commission. The commission shall meet at the call of the chairperson and shall meet as often as necessary to carry out the purpose of this chapter. However, the commission shall meet at least quarterly.

Sec. 7. (a) Except as provided in subsection (b), members of the commission are not entitled to a salary per diem or reimbursement of expenses for service on the commission.

(b) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative members on interim study committees established by the legislative council.

Sec. 8. The affirmative votes of a majority of the commission's voting members are required for the commission to take action on any measure.

Sec. 9. The commission shall submit reports to the governor and the legislative council as follows:

(1) Not later than December 15, 2012, an interim report that

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contains any interim findings and recommendations of the commission.

(2) Not later than December 15, 2013, a final report that contains the findings and recommendations of the commission and an implementation plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco.

The reports required under this section must be submitted in an electronic format under IC 5-14-6.

Sec. 10. This chapter expires June 30, 2014.

SECTION 3. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 245, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 245 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 245 be amended to read as follows:

Page 3, line 5, delete "Members" and insert "**(a) Except as provided in subsection (b), members**".

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"**(b) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative members on interim study committees established by the legislative council.**".

(Reference is to SB 245 as printed January 21, 2011.)

KRUSE

SENATE MOTION

Madam President: I move that Senate Bill 245 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-19-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The office is established for the following purposes:

(1) To educate and advocate for women's health by requesting that the state department, either on its own or in partnership with other entities, establish appropriate forums, programs, or initiatives designed to educate the public regarding women's health, with an

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emphasis on preventive health and healthy lifestyles.

(2) To assist the state health commissioner in identifying, coordinating, and establishing priorities for programs, services, and resources the state should provide for women's health issues and concerns relating to the reproductive, menopausal, and postmenopausal phases of a woman's life, with an emphasis on postmenopausal health.

(3) To serve as a clearinghouse and resource for information regarding women's health data, strategies, services, and programs that address women's health issues, including the following:

(A) Diseases that significantly impact women, including heart disease, cancer, and osteoporosis.

(B) Menopause.

(C) Mental health.

(D) Substance abuse.

(E) Sexually transmitted diseases.

(F) Sexual assault and domestic violence.

(4) To collect, classify, and analyze relevant research information and data conducted or compiled by:

(A) the state department; or

(B) other entities in collaboration with the state department;

and to provide interested persons with information regarding the research results, except as prohibited by law.

(5) To develop and recommend funding and program activities for educating the public on women's health initiatives, including the following:

(A) Health needs throughout a woman's life.

(B) Diseases that significantly affect women, including heart disease, cancer, and osteoporosis.

(C) Access to health care for women.

(D) Poverty and women's health.

(E) The leading causes of morbidity and mortality for women.

(F) Special health concerns of minority women.

(6) To make recommendations to the state health commissioner regarding programs that address women's health issues for inclusion in the state department's biennial budget and strategic planning.

(7) To seek funding from private or governmental entities**, and to seek funding and accept gifts from individuals** to carry out the purposes of this chapter.

(8) To prepare materials for publication and dissemination to the public on women's health.

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(9) To conduct public educational forums in Indiana to raise public awareness and to educate citizens about women's health programs, issues, and services.

(10) To coordinate the activities and programs of the office with other entities that focus on women's health or women's issues, including the Indiana commission for women (IC 4-23-25-3).

(11) To represent the state health commissioner, upon request, before the general assembly and the Indiana commission for women established by IC 4-23-25-3.

(12) To provide an annual report to the governor, the legislative council, and the Indiana commission for women regarding the successes of the programs of the office, priorities and services needed for women's health in Indiana, and areas for improvement. A report provided under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.

This section does not allow the director or any employees of the office to advocate, promote, refer to, or otherwise advance abortion or abortifacients.".

Renumber all SECTIONS consecutively.

(Reference is to SB 245 as printed January 21, 2011.)

SIMPSON

SENATE MOTION

Madam President: I move that Senate Bill 245 be amended to read as follows:

Delete the title and insert the following:

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

(Reference is to SB 245 as reprinted January 25, 2011.)

KRUSE

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