
SENATE BILL No. 282

DIGEST OF INTRODUCED BILL

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

Synopsis: Abortion inducing drugs. Specifies that only a physician who meets certain conditions may administer to a pregnant woman an abortion inducing drug, and sets forth the procedure the physician must follow. Requires a physician who learns of an adverse event following the use of an abortion inducing drug to report the adverse event to the Food and Drug Administration and the medical licensing board. Specifies that the reports of adverse events maintained by the medical licensing board are public records. Establishes a Class A misdemeanor for a violation concerning distribution of an abortion inducing drug and for failure to report an adverse event.

Effective: July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 282

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 16-18-2-1.6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 1.6. "Abortion inducing drug", for purposes of**
- 4 **IC 16-34-3, has the meaning set forth in IC 16-34-3-1.**
- 5 SECTION 2. IC 16-18-2-7.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2012]: **Sec. 7.5. "Adverse event", for purposes of IC 16-34-3, has**
- 8 **the meaning set forth in IC 16-34-3-2.**
- 9 SECTION 3. IC 16-18-2-101.5 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2012]: **Sec. 101.5. "Drug label", for purposes**
- 12 **of IC 16-34-3, has the meaning set forth in IC 16-34-3-3.**
- 13 SECTION 4. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS
- 14 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2012]:
- 16 **Chapter 3. Abortion Inducing Drugs**
- 17 **Sec. 1. (a) As used in this chapter, "abortion inducing drug"**



1 means a medicine, drug, or substance prescribed or dispensed with
 2 the intent of terminating a clinically diagnosable pregnancy with
 3 the knowledge that the termination will, with reasonable likelihood,
 4 cause the death of the fetus. The term includes the off-label use of
 5 a drug known to have abortion inducing properties if the drug is
 6 prescribed with the intent of causing an abortion.

7 (b) The term does not include a drug or substance that may be
 8 known to cause an abortion when the drug is being prescribed for
 9 another medical indication.

10 Sec. 2. As used in this chapter, "adverse event" means an
 11 undesirable experience associated with the use of an abortion
 12 inducing drug. The term includes the following incidents:

- 13 (1) Death.
- 14 (2) Life threatening occurrence.
- 15 (3) Hospitalization.
- 16 (4) Disability or permanent damage.
- 17 (5) Congenital anomaly or birth defect of the fetus.
- 18 (6) Medical intervention required to prevent permanent
 19 impairment or damage.

20 Sec. 3. As used in this chapter, "drug label" means the pamphlet
 21 or document accompanying an abortion inducing drug that:

- 22 (1) outlines the protocol tested and authorized by the federal
 23 Food and Drug Administration;
- 24 (2) sets forth how the drug is to be used; and
- 25 (3) has been agreed upon by the drug manufacturer applying
 26 for authorization of the drug by the federal Food and Drug
 27 Administration.

28 Sec. 4. (a) It is unlawful for an individual to knowingly give, sell,
 29 dispense, administer, prescribe, or otherwise provide an abortion
 30 inducing drug to a pregnant woman for the purpose of inducing an
 31 abortion or enabling an individual to induce an abortion unless the
 32 individual meets the following requirements:

- 33 (1) Is a physician licensed under IC 25-22.5.
- 34 (2) Follows the drug label protocol for the abortion inducing
 35 drug.

36 (b) Before giving, selling, dispensing, administering, prescribing,
 37 or otherwise providing an abortion inducing drug to a pregnant
 38 woman, a physician licensed under IC 25-22.5 shall do the
 39 following:

- 40 (1) Examine in person the pregnant woman.
- 41 (2) Document the following information on the pregnant
 42 woman's medical chart:

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- 1 (A) The gestational age of the fetus.
 2 (B) The intrauterine location of the fetus.
 3 (3) Provide the following information to the pregnant woman:
 4 (A) A copy of the drug label.
 5 (B) The name and telephone number of the physician with
 6 whom the treating physician has entered into a contract
 7 described in section 5 of this chapter.
 8 (C) The information required in IC 16-34-2-1.1.
 9 (4) Enter into a contract as described in section 5 of this
 10 chapter with another physician licensed under IC 25-22.5.
 11 (c) A physician licensed under IC 25-22.5 who gives, sells,
 12 dispenses, administers, prescribes, or otherwise provides an
 13 abortion inducing drug to a pregnant woman shall schedule a
 14 follow-up appointment with the woman approximately fourteen
 15 (14) days after administration of the abortion inducing drug to:
 16 (1) confirm that the pregnancy is terminated by conducting
 17 ultrasound imaging; and
 18 (2) assess the degree of bleeding experienced by the pregnant
 19 woman.
 20 (d) The physician described in subsection (c) shall make a
 21 reasonable effort to ensure that the pregnant woman returns for
 22 the follow-up appointment described in subsection (c), including
 23 recording in the pregnant woman's medical records the date, the
 24 time, a brief description of the efforts by the physician and the
 25 physician's staff, and the name of the individual who performed
 26 the efforts.
 27 **Sec. 5. (a) A physician licensed under IC 25-22.5 that gives, sells,**
 28 **dispenses, administers, prescribes, or otherwise provides an**
 29 **abortion inducing drug to a pregnant woman shall enter into a**
 30 **contract with another physician who:**
 31 (1) is licensed under IC 25-22.5; and
 32 (2) has admitting, gynecological, and surgical privileges at a
 33 hospital that is designated by the treating physician to handle
 34 complications that occur to the pregnant woman resulting
 35 from the use of an abortion inducing drug;
 36 to provide care for the physician's patient for any medical
 37 complications that may arise.
 38 (b) A physician licensed under IC 25-22.5 who enters into a
 39 contract under subsection (a) shall make a copy of the contract
 40 available to:
 41 (1) the pregnant woman; or
 42 (2) the medical licensing board of Indiana;

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1 upon request of the pregnant woman or the board.

2 Sec. 6. (a) A physician licensed under IC 25-22.5 who gives, sells,
3 dispenses, administers, prescribes, or otherwise provides an
4 abortion inducing drug to a pregnant woman and who is aware of
5 a subsequent adverse event from the abortion inducing drug shall
6 report the adverse event not later than three (3) days following the
7 physician's knowledge of the adverse event to the following:

8 (1) The federal Food and Drug Administration through the
9 federal Medwatch reporting system.

10 (2) The medical licensing board of Indiana.

11 (b) The medical licensing board of Indiana shall maintain and
12 compile a report of each adverse event reported to the board under
13 subsection (a). A report compiled under this subsection is a public
14 record and is open to inspection. The report may not contain
15 information that personally identifies a pregnant woman who
16 experienced the adverse event described in subsection (a).

17 Sec. 7. (a) A person who intentionally, knowingly, or recklessly
18 violates this chapter commits an unlawful activity related to an
19 abortion inducing drug, a Class A misdemeanor. A pregnant
20 woman upon whom the drug induced abortion is performed may
21 not be assessed a penalty under this section.

22 (b) In addition to the criminal penalty under subsection (a), a
23 person who violates this chapter may be subject to disciplinary
24 sanctions under IC 25-1-9 and civil liability for wrongful death and
25 medical malpractice.

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