COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.6. "Abortion inducing drug", for purposes of IC 16-34-3, has the meaning set forth in IC 16-34-3-1.**

SECTION 2. IC 16-18-2-101.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 101.5. "Drug label", for purposes of IC 16-34-3, has the meaning set forth in IC 16-34-3-2.**

SECTION 3. IC 16-34-2-1.5, AS ADDED BY P.L.193-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) The state department shall:

(1) develop written materials setting forth; and

(2) post Internet web site links ~~concerning materials described in this section~~ on the state department's Internet web site **leading to;**

the content described in subsection (b).

(b) The **content that must be set forth in written materials developed by the** state department ~~shall post~~ **under subsection (a) and to which** Internet web site links ~~relating to materials that~~ **posted on the state department's Internet web site under subsection (a) must lead must** include the following:

(1) Objective scientific information concerning the probable anatomical and physiological characteristics of a fetus every two

(2) weeks of gestational age, including the following:
(A) Realistic pictures in color for each age of the fetus, including the dimensions of the fetus.
(B) Whether there is any possibility of the fetus surviving outside the womb.
(2) Objective scientific information concerning the medical risks associated with each abortion procedure, including the following:
(A) The risks of infection and hemorrhaging.
(B) The potential danger:
(i) to a subsequent pregnancy; or
(ii) of infertility.
(3) Information concerning the medical risks associated with carrying the child to term.
(4) Information that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care.
(5) Information that the biological father is liable for assistance in support of the child, regardless of whether the biological father has offered to pay for an abortion.
(6) Information regarding telephone 211 dialing code services for accessing human services as described in IC 8-1-19.5, and the types of services that are available through this service.

(c) In complying with subsection (b)(6), the state department shall consult with the recognized 211 service providers and the Indiana utility regulatory commission as required by IC 8-1-19.5-9.

(d) In the development of the written materials described in this section, the state department shall use information and pictures that are available to the state department at no cost or nominal cost. The state department may charge a fee to a provider who requests the materials to defray the cost of printing and distributing the materials.

SECTION 4. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 3. Abortion Inducing Drugs

Sec. 1. (a) As used in this chapter, "abortion inducing drug" means a medicine, drug, or substance prescribed or dispensed with the intent of terminating a clinically diagnosable pregnancy with the knowledge that the termination will, with reasonable likelihood, cause the death of the fetus. The term includes the off-label use of a drug known to have abortion inducing properties if the drug is prescribed with the intent of causing an abortion.

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

Sec. 2. As used in this chapter, "drug label" means the pamphlet or document accompanying an abortion inducing drug that:

(1) outlines the protocol tested and authorized by the federal Food and Drug Administration;

(2) sets forth how the drug is to be used; and

(3) has been agreed upon by the drug manufacturer applying for authorization of the drug by the federal Food and Drug Administration.

Sec. 3. (a) It is unlawful for an individual to knowingly give, sell, dispense, administer, prescribe, or otherwise provide an abortion inducing drug to a pregnant woman for the purpose of inducing an abortion or enabling an individual to induce an abortion unless the individual meets the following requirements:

(1) Is a physician licensed under IC 25-22.5.

(2) Follows the drug label protocol for the abortion inducing drug.

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

(1) Examine in person the pregnant woman.

(2) Provide the following information to the pregnant woman:

(A) An explanation of the process in administering the abortion inducing drug and possible side effects that could occur.

(B) The information required in IC 16-34-2-1.1.

(C) If using an agreement described in subdivision (3)(B), the name and telephone number of the physician with whom the treating physician has entered into the agreement.

(3) Either have:

(A) admitting privileges at a hospital located in the county where the abortion inducing drug is being provided or a contiguous county; or

(B) an agreement with another physician licensed under IC 25-22.5 who has the admitting privileges described in clause (A) concerning the management of possible complications arising from the use of an abortion inducing drug.

(4) Obtain written consent from the pregnant woman concerning the use of an abortion inducing drug.

(c) A physician licensed under IC 25-22.5 who gives, sells, dispenses, administers, prescribes, or otherwise provides an abortion inducing drug to a pregnant woman shall schedule a follow-up appointment with the woman approximately fourteen (14) days after administration of the abortion inducing drug to:

(1) confirm that the pregnancy is terminated by conducting ultrasound imaging; and

(2) assess the degree of bleeding experienced by the pregnant woman.

(d) The physician described in subsection (c) shall make a reasonable effort to ensure that the pregnant woman returns for the follow-up appointment described in subsection (c), including

recording in the pregnant woman's medical records the date, the time, and a brief description of the efforts by the physician and the physician's staff, and the name of the individual who performed the efforts.

Sec. 4. A person who intentionally, knowingly, or recklessly violates this chapter commits an unlawful activity related to an abortion inducing drug, a Class A misdemeanor. A pregnant woman upon whom a drug induced abortion is performed may not be assessed a penalty under this section.

(Reference is to SB 72 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

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LONG, Chairperson