

SENATE BILL No. 179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-21-2-2.6.

Synopsis: Physical plant requirements for abortion clinics. For purposes of hospital licensure law, modifies the definition of "abortion clinic" to include an entity that provides abortion inducing drugs for the purpose of inducing an abortion. Sets forth certain safety and health requirements that an abortion clinic must meet. Specifies that existing licensed abortion clinics must meet the safety and health requirements. Requires the state department of health to inspect an abortion clinic at least one time per year.

Effective: July 1, 2013.

Banks, Yoder

January 7, 2013, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 179



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 16-18-2-1.5, AS ADDED BY P.L.96-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 1.5. (a) "Abortion clinic", for purposes of
4 IC 16-21-2, means a freestanding entity that:
5 (1) performs surgical abortion procedures; **or**
6 (2) **provides abortion inducing drugs to induce an abortion.**
7 (b) The term does not include the following:
8 (1) A hospital that is licensed as a hospital under IC 16-21-2.
9 (2) An ambulatory outpatient surgical center that is licensed as an
10 ambulatory outpatient surgical center under IC 16-21-2.
11 (3) A physician's office as long as:
12 (A) the surgical procedures performed at the physician's office
13 are not primarily surgical abortion procedures; **and**
14 (B) **abortion inducing drugs are not the primarily**
15 **dispensed or prescribed drug at the physician's office.**
16 SECTION 2. IC 16-18-2-1.6 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2013]: **Sec. 1.6. (a) "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.

SECTION 3. IC 16-21-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.6. (a) The entities to which this section applies include abortion clinics holding a license under this chapter on July 1, 2013.**

(b) An abortion clinic must meet the following requirements:

(1) Be constructed, arranged, modified, or maintained to ensure the safety and well-being of patients, employees, and visitors to the clinic.

(2) Provide a physical plant and equipment that meet state fire prevention and building safety codes or rules established by the fire prevention and building safety commission or the state department.

(3) Provide a safe and healthy environment that minimizes infection exposure and risk to patients, employees, and visitors to the clinic.

(c) The state department shall inspect an abortion clinic at least one (1) time per calendar year.

(d) Beginning January 1, 2014, 410 IAC 26-17-2(f) is void. The publisher of the Indiana Administrative Code shall remove this provision from the Indiana Administrative Code.

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