
HOUSE BILL No. 1430

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-34-3; IC 35-51-16-1.

Synopsis: Race and sex-selective abortions. Prohibits a person from performing an abortion if the person knows that the pregnant woman is seeking the abortion because of: (1) the sex of the fetus; (2) the race of the fetus; or (3) the race of the parent. Makes it a Class C felony if a person knowingly or intentionally commits a sex-selective or race-selective abortion.

Effective: July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Public Policy.

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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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HOUSE BILL No. 1430

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 16-18-2-302.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 302.9. "Race-selective abortion",**
4 **for purposes of IC 16-34-3, has the meaning set forth in**
5 **IC 16-34-3-1.**

6 SECTION 2. IC 16-18-2-328.3 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: **Sec. 328.3. "Sex-selective abortion",**
9 **for purposes of IC 16-34-3, has the meaning set forth in**
10 **IC 16-34-3-2.**

11 SECTION 3. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS
12 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2013]:

14 **Chapter 3. Sex-Selective and Race-Selective Abortion Ban**

15 **Sec. 1. As used in this chapter, "race-selective abortion" means**
16 **an abortion that is performed solely because of the race of the fetus**
17 **or the race of a parent.**



1 **Sec. 2. As used in this chapter, "sex-selective abortion" means**
 2 **an abortion that is performed solely because of the gender of the**
 3 **fetus.**

4 **Sec. 3. (a) A person may not intentionally perform or attempt to**
 5 **perform an abortion before the earlier of viability of the fetus or**
 6 **twenty (20) weeks of postfertilization age if the person knows that**
 7 **the pregnant woman is seeking a sex-selective abortion.**

8 **(b) A person may not intentionally perform or attempt to**
 9 **perform an abortion after viability or twenty (20) weeks of**
 10 **postfertilization if the person knows that the pregnant woman is**
 11 **seeking a sex-selective abortion.**

12 **Sec. 4. (a) A person may not intentionally perform or attempt to**
 13 **perform an abortion before the earlier of viability of the fetus or**
 14 **twenty (20) weeks of postfertilization age if the person knows that**
 15 **the pregnant woman is seeking a race-selective abortion.**

16 **(b) A person may not intentionally perform or attempt to**
 17 **perform an abortion after viability or twenty (20) weeks of**
 18 **postfertilization if the person knows that the pregnant woman is**
 19 **seeking a race-selective abortion.**

20 **Sec. 5. (a) A person who knowingly or intentionally performs an**
 21 **abortion in violation of this chapter commits a Class C felony.**

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.**

25 SECTION 4. IC 35-51-16-1, AS ADDED BY P.L.70-2011,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 16:

28 IC 16-19-12-1 (Concerning the state department of health).

29 IC 16-20-9-1 (Concerning local health departments).

30 IC 16-21-2-2.5 (Concerning licensure of hospitals).

31 IC 16-21-5-3 (Concerning licensure of hospitals).

32 IC 16-21-6-12 (Concerning hospital financial disclosure law).

33 IC 16-21-7-5 (Concerning hospitals).

34 IC 16-25-5-8 (Concerning hospices).

35 IC 16-25-6-1 (Concerning hospices).

36 IC 16-27-1-15 (Concerning home health agencies).

37 IC 16-27-2-3 (Concerning home health agencies).

38 IC 16-27-4-23 (Concerning home health agencies).

39 IC 16-28-7-5 (Concerning monitors).

40 IC 16-28-9-3 (Concerning monitors).

41 IC 16-28-9-4 (Concerning monitors).

42 IC 16-28-9-5 (Concerning monitors).

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- 1 IC 16-30-5-1 (Concerning health planning).
 2 IC 16-31-3-16 (Concerning emergency medical services).
 3 IC 16-31-3-22 (Concerning emergency medical services).
 4 IC 16-31-10-2 (Concerning emergency medical services).
 5 IC 16-34-2-5 (Concerning abortion).
 6 IC 16-34-2-6 (Concerning abortion).
 7 IC 16-34-2-7 (Concerning abortion).
 8 **IC 16-34-3-5 (Concerning abortion).**
 9 IC 16-36-4-15 (Concerning medical consent).
 10 IC 16-36-4-16 (Concerning medical consent).
 11 IC 16-36-5-27 (Concerning medical consent).
 12 IC 16-36-5-28 (Concerning medical consent).
 13 IC 16-37-1-12 (Concerning vital statistics).
 14 IC 16-37-1-13 (Concerning vital statistics).
 15 IC 16-37-2-2.1 (Concerning vital statistics).
 16 IC 16-37-2-19 (Concerning vital statistics).
 17 IC 16-37-3-16 (Concerning vital statistics).
 18 IC 16-38-5-4 (Concerning health registries).
 19 IC 16-39-7.1-3 (Concerning health records).
 20 IC 16-39-7.1-6 (Concerning health records).
 21 IC 16-41-1-3 (Concerning communicable diseases).
 22 IC 16-41-2-9 (Concerning communicable diseases).
 23 IC 16-41-3-3 (Concerning communicable diseases).
 24 IC 16-41-4-3 (Concerning communicable diseases).
 25 IC 16-41-5-3 (Concerning communicable diseases).
 26 IC 16-41-6-3 (Concerning communicable diseases).
 27 IC 16-41-7-5 (Concerning communicable diseases).
 28 IC 16-41-8-1 (Concerning communicable diseases).
 29 IC 16-41-8-3 (Concerning communicable diseases).
 30 IC 16-41-8-5 (Concerning communicable diseases).
 31 IC 16-41-9-1.5 (Concerning communicable diseases).
 32 IC 16-41-10-5 (Concerning communicable diseases).
 33 IC 16-41-10-7 (Concerning communicable diseases).
 34 IC 16-41-12-13 (Concerning communicable diseases).
 35 IC 16-41-12-14 (Concerning communicable diseases).
 36 IC 16-41-12-15 (Concerning communicable diseases).
 37 IC 16-41-13-3 (Concerning communicable diseases).
 38 IC 16-41-13-4 (Concerning communicable diseases).
 39 IC 16-41-13-6 (Concerning communicable diseases).
 40 IC 16-41-14-13 (Concerning communicable diseases).
 41 IC 16-41-14-15 (Concerning communicable diseases).
 42 IC 16-41-14-16 (Concerning communicable diseases).

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- 1 IC 16-41-14-17 (Concerning communicable diseases).
- 2 IC 16-41-14-20 (Concerning communicable diseases).
- 3 IC 16-41-15-18 (Concerning communicable diseases).
- 4 IC 16-41-16-11 (Concerning communicable diseases).
- 5 IC 16-41-18-6 (Concerning prevention and treatment programs).
- 6 IC 16-41-19-10 (Concerning prevention and treatment programs).
- 7 IC 16-41-20-13 (Concerning health, sanitation, and safety).
- 8 IC 16-41-21-18 (Concerning health, sanitation, and safety).
- 9 IC 16-41-21-19 (Concerning health, sanitation, and safety).
- 10 IC 16-41-22-21 (Concerning health, sanitation, and safety).
- 11 IC 16-41-22-22 (Concerning health, sanitation, and safety).
- 12 IC 16-41-23-4 (Concerning health, sanitation, and safety).
- 13 IC 16-41-24-11 (Concerning health, sanitation, and safety).
- 14 IC 16-41-25-2 (Concerning health, sanitation, and safety).
- 15 IC 16-41-27-34 (Concerning health, sanitation, and safety).
- 16 IC 16-41-29-5 (Concerning regulation of lodging facilities and
- 17 bedding materials).
- 18 IC 16-41-32-30 (Concerning regulation of lodging facilities and
- 19 bedding materials).
- 20 IC 16-41-33-9 (Concerning pest control).
- 21 IC 16-41-34-8 (Concerning pest control).
- 22 IC 16-41-35-40 (Concerning radiation).
- 23 IC 16-41-38-10 (Concerning radon gas).
- 24 IC 16-42-1-16 (Concerning Uniform Food, Drug, and Cosmetic
- 25 Act).
- 26 IC 16-42-1-34 (Concerning Uniform Food, Drug, and Cosmetic
- 27 Act).
- 28 IC 16-42-2-8 (Concerning Uniform Food, Drug, and Cosmetic
- 29 Act).
- 30 IC 16-42-2-9 (Concerning Uniform Food, Drug, and Cosmetic
- 31 Act).
- 32 IC 16-42-3-12 (Concerning Uniform Food, Drug, and Cosmetic
- 33 Act).
- 34 IC 16-42-4-5 (Concerning Uniform Food, Drug, and Cosmetic
- 35 Act).
- 36 IC 16-42-5-26 (Concerning sanitary requirements for food
- 37 establishments).
- 38 IC 16-42-5-27 (Concerning sanitary requirements for food
- 39 establishments).
- 40 IC 16-42-10-13 (Concerning food).
- 41 IC 16-42-18-7 (Concerning food).
- 42 IC 16-42-19-27 (Concerning the Indiana Legend Drug Act).

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- 1 IC 16-42-21-4 (Concerning the Indiana Legend Drug Act).
- 2 IC 16-44-1-1 (Concerning product labeling and inspection).
- 3 IC 16-44-2-22 (Concerning product labeling and inspection).
- 4 IC 16-46-6-12 (Concerning state health grants and programs).

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