

60 Day Requirement ([IC 4-22-2-19](#))

LSA Document #19-163

July 19, 2019

On behalf of the Indiana State Department of Health (ISDH), I am submitting this notice in compliance with [IC 4-22-2-19](#), which requires an agency to begin the rulemaking process for new rules not later than 60 days after the effective date of the statutes that authorize the rule, unless a notice is filed with the Publisher that includes the reasons why rulemaking began more than 60 days after the effective date.

The statutory authority for rulemaking that requires ISDH to promulgate rules updating abortion clinic licensure rules, including separating licensure rules for surgical abortion clinics and abortion clinics performing drug induced abortions, is [IC 16-21-2-2.5](#).

ISDH did not begin the formal rulemaking process within 60 days of the authorizing statute because ISDH was seeking input from the regulated community. Additionally, there was litigation concerning the bill authorizing this rulemaking and further updates to the rulemaking authority the following legislative year.

ISDH began the rulemaking process by publishing a Notice of Intent on March 20, 2019 (DIN: [20190320-IR-410190163NIA](#)), and anticipates the rule to be approved within the one year deadline under [IC 4-22-2-25\(a\)](#).

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Posted: 07/24/2019 by Legislative Services Agency
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