

HOUSE BILL No. 1310

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1-1-1; IC 2-2.1-1-12; IC 2-2.1-1.2.

Synopsis: Abortion. Provides that the general assembly shall convene in an "initiated session" to consider legislation to restrict abortion if either of the following occur: (1) the Supreme Court of the United States overrules the central holding of *Roe v. Wade*, *Doe v. Bolton*, and *Planned Parenthood of Southeastern Pennsylvania v. Casey* and clearly establishes that a state may prohibit abortion; or (2) an amendment to the Constitution of the United States is adopted that in whole or part clearly establishes that a state may prohibit abortion. Provides that an initiated session may not continue for more than 20 calendar days. Requires the attorney general to make an announcement and notify the governor and members of the general assembly concerning the decision from the Supreme Court of the United States involving *Roe v. Wade* or the amendment to the Constitution of the United States. Makes conforming changes.

Effective: Upon passage.

Prescott, Barrett

January 14, 2021, read first time and referred to Committee on Judiciary.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1310

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 2-2.1-1-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following
- 3 definitions apply throughout this chapter:
- 4 (1) "Bill" includes a bill and a joint resolution.
- 5 (2) "Term of the general assembly" means that two (2) year period
- 6 of time extending from the first Wednesday after the first Monday
- 7 in November of any even-numbered year until, but not including,
- 8 the first Wednesday after the first Monday in November of the
- 9 next even-numbered year.
- 10 (3) "Session" refers to **any of the following:**
- 11 (A) A regular session **of the general assembly.**
- 12 (B) A regular technical session ~~or~~ **of the general assembly.**
- 13 (C) **An initiated session of the general assembly under**
- 14 **IC 2-2.1-1.2.**
- 15 (D) A special session of the general assembly.
- 16 (4) "Special session" means that period of time during which the
- 17 general assembly is convened in session upon the proclamation



1 and call of the governor under Article 4, Section 9 of the
2 Constitution of the State of Indiana.

3 SECTION 2. IC 2-2.1-1-12 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section
5 applies only to those bills or joint resolutions which pass during the two
6 days before the sine die adjournment of a regular, **initiated**, or special
7 session of the general assembly. This section does not apply to bills
8 passed during a regular technical session.

9 (b) The presiding officers of the house of representatives and the
10 senate shall sign each bill or joint resolution passed under Article 4,
11 Section 25 of the Constitution of the State of Indiana as soon as
12 practicable, but not later than seven (7) calendar days after sine die
13 adjournment of the session of the general assembly at which the bill
14 was passed.

15 (c) A bill that has been signed under subsection (b) must be
16 presented to the governor as soon as practicable, but not later than
17 seven (7) calendar days after sine die adjournment of the session of the
18 general assembly at which the bill was passed.

19 SECTION 3. IC 2-2.1-1.2 IS ADDED TO THE INDIANA CODE
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]:

22 **Chapter 1.2. Initiated Sessions**

23 **Sec. 1. As used in this chapter, "decision date" refers to either**
24 **of the following dates:**

25 **(1) the date that the Supreme Court of the United States:**

26 **(A) overrules, in whole or part, the central holding in *Roe***
27 ***v. Wade*, 410 U.S. 113 (1973), *Doe v. Bolton*, 410 U.S. 179**
28 **(1973), and *Planned Parenthood of Southeastern***
29 ***Pennsylvania v. Casey*, 505 U.S. 833 (1992); and**

30 **(B) clearly establishes that a state may prohibit abortion;**
31 **or**

32 **(2) the date that an amendment to the Constitution of the**
33 **United States is adopted that clearly establishes that a state**
34 **may prohibit abortion.**

35 **Sec. 2. As used in this chapter, "initiated session" refers to a**
36 **session of the general assembly convened under section 5 of this**
37 **chapter.**

38 **Sec. 3. As used in this chapter, "presiding officer" refers to the**
39 **following:**

40 **(1) For the house of representatives, the speaker of the house.**

41 **(2) For the senate, the president pro tempore of the senate.**

42 **Sec. 4. The attorney general shall issue an announcement and**



- 1 **inform the governor and members of the general assembly when:**
2 **(1) the Supreme Court of the United States:**
3 **(A) overrules, in whole or part, the central holding in *Roe***
4 ***v. Wade*, 410 U.S. 113 (1973), *Doe v. Bolton*, 410 U.S. 179**
5 **(1973), and *Planned Parenthood of Southeastern***
6 ***Pennsylvania v. Casey*, 505 U.S. 833 (1992); and**
7 **(B) clearly establishes that a state may prohibit abortion;**
8 **or**
9 **(2) an amendment to the Constitution of the United States is**
10 **adopted that clearly establishes that a state may prohibit**
11 **abortion.**
- 12 **Sec. 5. (a) Within fourteen (14) days of the decision date, the**
13 **presiding officers shall issue a joint order for an initiated session**
14 **to convene within thirty (30) calendar days of the joint order to**
15 **specifically consider legislation to prohibit abortion as set forth by**
16 **the United States Supreme Court or an amendment to the**
17 **Constitution of the United States.**
- 18 **(b) The presiding officers each shall convene their respective**
19 **houses on the date stated in the joint order.**
- 20 **(c) An initiated session may continue for not more than twenty**
21 **(20) calendar days following the date upon which the session is**
22 **convened.**
- 23 **SECTION 4. An emergency is declared for this act.**

