

# HOUSE BILL No. 1439

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-34; IC 25-22.5-8-6; IC 34-23-2-1; IC 35-41-3-2; IC 35-52-16-23.5.

**Synopsis:** Coerced abortions, protection of a fetus, and wrongful death or injury of a child. Requires that a woman seeking an abortion must be informed that a coerced abortion is illegal. Provides that certain medical personnel must inquire with a woman seeking an abortion whether the abortion is coerced. Requires certain medical personnel who believe that an abortion is coerced to offer the pregnant woman information on certain services, the use of a telephone, and an alternative exit from the health care facility. Makes it a Level 6 felony if a person knowingly or intentionally coerces a woman into having an abortion. Makes it a Level 6 felony if a father or putative father of an unborn child knowingly or intentionally coerces a pregnant woman into having an abortion. Mandates reports of a coerced abortion to law enforcement. Makes it a Class C infraction if a reproductive health facility knowingly employs a mandatory reporter who violates the mandatory reporting statute. Creates a cause of action for a wrongful death of an aborted child. Provides that a cause of action for the wrongful death or injury of a child includes a fetus in any stage of development. (Current law defines "child" as a fetus that has attained viability.) Provides that a person, or a person who is pregnant, is justified in using reasonable force to protect a fetus.

**Effective:** July 1, 2021.

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January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.

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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. 1439

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, AS AMENDED BY P.L.136-2013,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 1. (a) "Abortion" means the termination of human  
4 pregnancy with an intention other than to produce a live birth or to  
5 remove a dead fetus. The term includes abortions by surgical  
6 procedures and by abortion inducing drugs.

7 (b) "Abortion", for purposes of IC 16-34-5, has the meaning set  
8 forth in IC 16-34-5-1.

9 SECTION 2. IC 16-18-2-56.8 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2021]: Sec. 56.8. "Coercion", for purposes of  
12 IC 16-34-2 and IC 16-34-5, has the meaning set forth in  
13 IC 16-34-5-2.

14 SECTION 3. IC 16-18-2-88.1 IS ADDED TO THE INDIANA  
15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2021]: Sec. 88.1. "Course of conduct", for  
17 purposes of IC 16-34-5, has the meaning set forth in IC 16-34-5-3.



1 SECTION 4. IC 16-18-2-92.8 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: **Sec. 92.8. "Dependent", for purposes**  
4 **of IC 16-34-5, has the meaning set forth in IC 16-34-5-4.**

5 SECTION 5. IC 16-18-2-214.9 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2021]: **Sec. 214.9. "Mandatory reporter", for**  
8 **purposes of IC 16-34-5, has the meaning set forth in IC 16-34-5-5.**

9 SECTION 6. IC 16-18-2-282, AS AMENDED BY P.L.153-2018,  
10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2021]: Sec. 282. (a) "Physician", except as provided in  
12 subsections (b) and (c), means a licensed physician (as defined in  
13 section 202 of this chapter).

14 (b) "Physician", for purposes of IC 16-41-12, has the meaning set  
15 forth in IC 16-41-12-7.

16 (c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5,  
17 means an individual who:

18 (1) was the physician last in attendance (as defined in section  
19 282.2 of this chapter); or

20 (2) is licensed under IC 25-22.5.

21 (d) "Physician", for purposes of IC 16-48-1, is subject to  
22 IC 16-48-1-2.

23 (e) **"Physician", for purposes of IC 16-34-5, has the meaning set**  
24 **forth in IC 16-34-5-6.**

25 SECTION 7. IC 16-18-2-290 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 290. (a) "Pregnant  
27 woman", for purposes of IC 16-26, means an individual of any age  
28 who:

29 (1) has been a resident of Indiana continuously for at least sixty  
30 (60) days before her pregnancy;

31 (2) has verified her pregnancy and intends to carry her pregnancy  
32 to term or has given birth to a child; and

33 (3) is in need of assistance and temporary residence.

34 (b) **"Pregnant woman", for purposes of IC 16-34-5, has the**  
35 **meaning set forth in IC 16-34-5-7.**

36 SECTION 8. IC 16-18-2-317.3 IS ADDED TO THE INDIANA  
37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2021]: **Sec. 317.3. "Reproductive health care**  
39 **facility", for purposes of IC 16-34-5, has the meaning set forth in**  
40 **IC 16-34-5-8.**

41 SECTION 9. IC 16-18-2-332.1 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2021]: **Sec. 332.1. "Solely", for purposes of**  
 2 **IC 16-34-5, has the meaning set forth in IC 16-34-5-9.**

3 SECTION 10. IC 16-18-2-351.7 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2021]: **Sec. 351.7. "Threat", for purposes of**  
 6 **IC 16-34-5, has the meaning set forth in IC 16-34-5-10.**

7 SECTION 11. IC 16-18-2-357.7 IS ADDED TO THE INDIANA  
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2021]: **Sec. 357.7. "Unborn child", for**  
 10 **purposes of IC 16-34-5, has the meaning set forth in IC 16-34-5-11.**

11 SECTION 12. IC 16-34-2-1.1, AS AMENDED BY P.L.77-2020,  
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2021]: Sec. 1.1. (a) An abortion shall not be performed except  
 14 with the voluntary and informed consent of the pregnant woman upon  
 15 whom the abortion is to be performed. Except in the case of a medical  
 16 emergency, consent to an abortion is voluntary and informed only if the  
 17 following conditions are met:

18 (1) At least eighteen (18) hours before the abortion and in the  
 19 private, not group, presence of the pregnant woman, the physician  
 20 who is to perform the abortion, the referring physician or a  
 21 physician assistant (as defined in IC 25-27.5-2-10), an advanced  
 22 practice registered nurse (as defined in IC 25-23-1-1(b)), or a  
 23 certified nurse midwife (as defined in IC 34-18-2-6.5) to whom  
 24 the responsibility has been delegated by the physician who is to  
 25 perform the abortion or the referring physician has informed the  
 26 pregnant woman orally and in writing of the following:

27 (A) The name of the physician performing the abortion, the  
 28 physician's medical license number, and an emergency  
 29 telephone number where the physician or the physician's  
 30 designee may be contacted on a twenty-four (24) hour a day,  
 31 seven (7) day a week basis.

32 (B) That follow-up care by the physician or the physician's  
 33 designee (if the designee is licensed under IC 25-22.5) is  
 34 available on an appropriate and timely basis when clinically  
 35 necessary.

36 (C) The nature of the proposed procedure or information  
 37 concerning the abortion inducing drug.

38 (D) Objective scientific information of the risks of and  
 39 alternatives to the procedure or the use of an abortion inducing  
 40 drug, including:

41 (i) the risk of infection and hemorrhage;

42 (ii) the potential danger to a subsequent pregnancy; and



- 1 (iii) the potential danger of infertility.  
 2 (E) That human physical life begins when a human ovum is  
 3 fertilized by a human sperm.  
 4 (F) The probable gestational age of the fetus at the time the  
 5 abortion is to be performed, including:  
 6 (i) a picture of a fetus;  
 7 (ii) the dimensions of a fetus; and  
 8 (iii) relevant information on the potential survival of an  
 9 unborn fetus;  
 10 at this stage of development.  
 11 (G) That objective scientific information shows that a fetus  
 12 can feel pain at or before twenty (20) weeks of postfertilization  
 13 age.  
 14 (H) The medical risks associated with carrying the fetus to  
 15 term.  
 16 (I) The availability of fetal ultrasound imaging and  
 17 auscultation of fetal heart tone services to enable the pregnant  
 18 woman to view the image and hear the heartbeat of the fetus  
 19 and how to obtain access to these services.  
 20 (J) That the pregnancy of a child less than fifteen (15) years of  
 21 age may constitute child abuse under Indiana law if the act  
 22 included an adult and must be reported to the department of  
 23 child services or the local law enforcement agency under  
 24 IC 31-33-5.  
 25 (K) That Indiana does not allow a fetus to be aborted solely  
 26 because of the fetus's race, color, national origin, ancestry, sex,  
 27 or diagnosis or potential diagnosis of the fetus having Down  
 28 syndrome or any other disability.  
 29 **(L) That no one has the right to coerce the pregnant**  
 30 **woman to have an abortion.**  
 31 (2) At least eighteen (18) hours before the abortion, the pregnant  
 32 woman will be informed orally and in writing of the following:  
 33 (A) That medical assistance benefits may be available for  
 34 prenatal care, childbirth, and neonatal care from the county  
 35 office of the division of family resources.  
 36 (B) That the father of the unborn fetus is legally required to  
 37 assist in the support of the child. In the case of rape, the  
 38 information required under this clause may be omitted.  
 39 (C) That adoption alternatives are available and that adoptive  
 40 parents may legally pay the costs of prenatal care, childbirth,  
 41 and neonatal care.  
 42 (D) That there are physical risks to the pregnant woman in



- 1 having an abortion, both during the abortion procedure and  
 2 after.
- 3 (E) That Indiana has enacted the safe haven law under  
 4 IC 31-34-2.5.
- 5 (F) The:
- 6 (i) Internet web site address of the state department of  
 7 health's web site; and
- 8 (ii) description of the information that will be provided on  
 9 the web site and that ~~are~~; **is**;  
 10 described in section 1.5 of this chapter.
- 11 (G) For the facility in which the abortion is to be performed,  
 12 an emergency telephone number that is available and  
 13 answered on a twenty-four (24) hour a day, seven (7) day a  
 14 week basis.
- 15 (H) On a form developed by the state department and as  
 16 described in IC 16-34-3, that the pregnant woman has a right  
 17 to determine the final disposition of the remains of the aborted  
 18 fetus.
- 19 (I) On a form developed by the state department, that the  
 20 pregnant woman has a right, after a surgical abortion, to:
- 21 (i) dispose of the remains of the aborted fetus by interment  
 22 in compliance with IC 23-14-54, or cremation through a  
 23 licensee (as defined in IC 25-15-2-19) and in compliance  
 24 with IC 23-14-31; or
- 25 (ii) have the health care facility or abortion clinic dispose of  
 26 the remains of the aborted fetus by interment in compliance  
 27 with IC 23-14-54, or cremation through a licensee (as  
 28 defined in IC 25-15-2-19) and in compliance with  
 29 IC 23-14-31, and ask which method of disposition will be  
 30 used by the health care facility or abortion clinic.
- 31 (J) On a form developed by the state department:
- 32 (i) that a pregnant woman, after an abortion induced by an  
 33 abortion inducing drug, will expel an aborted fetus; and
- 34 (ii) the disposition policy of the health care facility or the  
 35 abortion clinic concerning the disposition of the aborted  
 36 fetus. The disposition policy must allow the pregnant  
 37 woman to return the aborted fetus to the health care facility  
 38 or abortion clinic for disposition by interment in compliance  
 39 with IC 23-14-54, or cremation through a licensee (as  
 40 defined in IC 25-15-2-19) and in compliance with  
 41 IC 23-14-31.
- 42 (K) On a form developed by the state department, information



- 1 concerning any counseling that is available to a pregnant  
2 woman after having an abortion.  
3 The state department shall develop and distribute the forms  
4 required by clauses (H) through (K).  
5 (3) The pregnant woman certifies in writing, on a form developed  
6 by the state department, before the abortion is performed, that:  
7 (A) the information required by subdivisions (1) and (2) has  
8 been provided to the pregnant woman;  
9 (B) the pregnant woman has been offered by the provider the  
10 opportunity to view the fetal ultrasound imaging and hear the  
11 auscultation of the fetal heart tone if the fetal heart tone is  
12 audible and that the woman has:  
13 (i) viewed or refused to view the offered fetal ultrasound  
14 imaging; and  
15 (ii) listened to or refused to listen to the offered auscultation  
16 of the fetal heart tone if the fetal heart tone is audible; and  
17 (C) the pregnant woman has been given a written copy of the  
18 printed materials described in section 1.5 of this chapter.  
19 (4) At least eighteen (18) hours before the abortion and in the  
20 presence of the pregnant woman, the physician who is to perform  
21 the abortion, the referring physician or a physician assistant (as  
22 defined in IC 25-27.5-2-10), an advanced practice registered  
23 nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife  
24 (as defined in IC 34-18-2-6.5) to whom the responsibility has  
25 been delegated by the physician who is to perform the abortion or  
26 the referring physician has provided the pregnant woman with a  
27 color copy of the informed consent brochure described in section  
28 1.5 of this chapter by printing the informed consent brochure from  
29 the state department's Internet web site and including the  
30 following information on the back cover of the brochure:  
31 (A) The name of the physician performing the abortion and the  
32 physician's medical license number.  
33 (B) An emergency telephone number where the physician or  
34 the physician's designee may be contacted twenty-four (24)  
35 hours a day, seven (7) days a week.  
36 (C) A statement that follow-up care by the physician or the  
37 physician's designee who is licensed under IC 25-22.5 is  
38 available on an appropriate and timely basis when clinically  
39 necessary.  
40 (5) At least eighteen (18) hours before an abortion is performed  
41 and at the same time that the pregnant woman receives the  
42 information required by subdivision (1), the provider shall



1 perform, and the pregnant woman shall view, the fetal ultrasound  
 2 imaging and hear the auscultation of the fetal heart tone if the  
 3 fetal heart tone is audible unless the pregnant woman certifies in  
 4 writing, on a form developed by the state department, before the  
 5 abortion is performed, that the pregnant woman:

6 (A) does not want to view the fetal ultrasound imaging; and

7 (B) does not want to listen to the auscultation of the fetal heart  
 8 tone if the fetal heart tone is audible.

9 **(6) At least eighteen (18) hours before the abortion, the**  
 10 **physician who is to perform the abortion, the referring**  
 11 **physician or a physician assistant (as defined in**  
 12 **IC 25-27.5-2-10), an advanced practice registered nurse (as**  
 13 **defined in IC 25-23-1-1(b)), or a certified nurse midwife (as**  
 14 **defined in IC 34-18-2-6.5) to whom the responsibility has been**  
 15 **delegated by the physician who is to perform the abortion or**  
 16 **the referring physician shall, in a private room, verbally ask**  
 17 **the pregnant woman if she is being coerced to have an**  
 18 **abortion.**

19 (b) This subsection applies to a pregnant woman whose unborn  
 20 child has been diagnosed with a lethal fetal anomaly. The requirements  
 21 of this subsection are in addition to the other requirements of this  
 22 section. At least eighteen (18) hours before an abortion is performed on  
 23 the pregnant woman, the physician who will perform the abortion shall:

24 (1) orally and in person, inform the pregnant woman of the  
 25 availability of perinatal hospice services; and

26 (2) provide the pregnant woman copies of the perinatal hospice  
 27 brochure developed by the state department under IC 16-25-4.5-4  
 28 and the list of perinatal hospice providers and programs  
 29 developed under IC 16-25-4.5-5, by printing the perinatal hospice  
 30 brochure and list of perinatal hospice providers from the state  
 31 department's Internet web site.

32 (c) If a pregnant woman described in subsection (b) chooses to have  
 33 an abortion rather than continuing the pregnancy in perinatal hospice  
 34 care, the pregnant woman shall certify in writing, on a form developed  
 35 by the state department under IC 16-25-4.5-6, at least eighteen (18)  
 36 hours before the abortion is performed, that the pregnant woman has  
 37 been provided the information described in subsection (b) in the  
 38 manner required by subsection (b).

39 **(d) If the physician who is to perform the abortion, the referring**  
 40 **physician, a physician assistant (as defined in IC 25-27.5-2-10), an**  
 41 **advanced practice registered nurse (as defined in IC 25-23-1-1(b)),**  
 42 **or a certified nurse midwife (as defined in IC 34-18-2-6.5) suspects**





1 a pregnant woman is being coerced to have an abortion after  
 2 making the inquiry required under subsection (a)(6), the physician,  
 3 physician assistant, advanced practice registered nurse, or certified  
 4 nurse midwife shall:

5 (1) inform the woman that coercing a pregnant woman to  
 6 have an abortion is illegal;

7 (2) inform the woman that a demand by the father to have an  
 8 abortion does not relieve him of financial support  
 9 responsibilities; and

10 (3) provide the woman with:

11 (A) information about:

12 (i) assistance;

13 (ii) counseling; and

14 (iii) protective services offered by social programs and  
 15 local or state law enforcement agencies;

16 (B) access to a telephone if she needs to make a private  
 17 telephone call; and

18 (C) access to an alternate exit from the health care facility.

19 (e) Except as provided in subsection (f), if a physician, physician  
 20 assistant (as defined in IC 25-27.5-2-10), advanced practice  
 21 registered nurse (as defined in IC 25-23-1-1(b)), or certified nurse  
 22 midwife (as defined in IC 34-18-2-6.5) knows or suspects that a  
 23 pregnant woman is being coerced into having an abortion within  
 24 twenty-four (24) hours of when:

25 (1) the facts or suspicion of coercion becomes known after  
 26 making the inquiry required under subsection (a)(6); and

27 (2) the woman has been provided the information described  
 28 in subsection (d);

29 an abortion may not be provided to the pregnant woman for at  
 30 least twenty-four (24) hours.

31 (f) The twenty-four (24) hour period described in subsection (e)  
 32 may be waived if a physician, in the physician's best medical  
 33 judgment, determines that an abortion is necessary to prevent the  
 34 death of the pregnant woman or to prevent substantial and  
 35 irreversible injury to a major bodily function of the pregnant  
 36 woman.

37 SECTION 13. IC 16-34-5 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2021]:

40 **Chapter 5. Coerced Abortions**

41 **Sec. 1. (a)** Except as provided in subsection (b), as used in this  
 42 chapter, "abortion" means the act of using or prescribing any



1 instrument, medicine, drug or any other substance, device, or  
 2 means with the intent to terminate the clinically diagnosable  
 3 pregnancy of a woman with knowledge that the termination by  
 4 those means will with reasonable likelihood cause the death of an  
 5 unborn child.

6 (b) The term does not include using an instrument, medicine, a  
 7 drug, or any other substance, device, or means with the intent to:

- 8 (1) save the life or preserve the health of the unborn child;  
 9 (2) remove a dead unborn child caused by spontaneous  
 10 abortion; or  
 11 (3) remove an ectopic pregnancy.

12 Sec. 2. (a) As used in this chapter, "coercion" means intentional  
 13 conduct aimed at causing or directing a pregnant woman to have  
 14 an abortion solely conditioned upon the pregnant woman  
 15 disregarding or refusing the individual's demand that she seek an  
 16 abortion by knowingly or intentionally doing any of the following:

17 (1) Committing, attempting to commit, or threatening to  
 18 commit physical harm to:

- 19 (A) the woman;  
 20 (B) the unborn child; or  
 21 (C) another individual.

22 (2) Committing, attempting to commit, or threatening to  
 23 commit a criminal act.

24 (3) Revoking, attempting to revoke, or threatening to revoke  
 25 a scholarship awarded to the woman by a:

- 26 (A) public; or  
 27 (B) private;  
 28 institution of higher education.

29 (4) Discharging, attempting to discharge, or threatening to  
 30 discharge:

- 31 (A) the woman; or  
 32 (B) another individual;

33 from employment.

34 (5) Changing, attempting to change, or threatening to change:

- 35 (A) the woman's; or  
 36 (B) another individual's;

37 compensation or terms, conditions, or privileges of  
 38 employment.

39 (6) Denying, attempting to deny, or threatening to deny any  
 40 social assistance that the woman or another individual has:

- 41 (A) applied for and is eligible for;  
 42 (B) been approved for; or



- 1           (C) been receiving.
- 2           (7) Denying, removing, or threatening to deny or remove
- 3           financial support or housing from the woman or a dependent
- 4           of the woman.
- 5           (b) The term does not include constitutionally protected speech,
- 6           conduct, or expressions of conscience.
- 7           Sec. 3. As used in this chapter, "course of conduct" means a
- 8           pattern of conduct composed of a series of two (2) or more separate
- 9           acts evidencing a continuity of purpose.
- 10          Sec. 4. As used in this chapter, "dependent" means:
- 11          (1) an unemancipated person who is under eighteen (18) years
- 12          of age; or
- 13          (2) a person of any age who has a mental or physical
- 14          disability.
- 15          Sec. 5. As used in this chapter, "mandatory reporter" means
- 16          any person providing health care services, including:
- 17          (1) a physician;
- 18          (2) a surgeon;
- 19          (3) a physical therapist;
- 20          (4) a psychiatrist;
- 21          (5) a psychologist;
- 22          (6) a medical resident;
- 23          (7) a medical intern;
- 24          (8) hospital staff;
- 25          (9) a licensed nurse;
- 26          (10) a nurse's aide;
- 27          (11) any emergency medical technician;
- 28          (12) a paramedic; and
- 29          (13) any:
- 30                  (A) employee;
- 31                  (B) staff member; or
- 32                  (C) volunteer;
- 33          at a reproductive health care facility.
- 34          Sec. 6. As used in this chapter, "physician" means any person
- 35          licensed to practice medicine in Indiana. The term includes a
- 36          medical doctor and a doctor of osteopathy.
- 37          Sec. 7. As used in this chapter, "pregnant woman" means any
- 38          female, including a female who is less than eighteen (18) years of
- 39          age, who is in the reproductive condition of having an unborn child
- 40          in her uterus.
- 41          Sec. 8. As used in this chapter, "reproductive health care
- 42          facility" means any office, clinic, or other physical location licensed



1 by the state to provide surgical or medical abortions, abortion  
2 counseling, abortion referrals, contraceptives, contraceptive  
3 counseling, sex education, or gynecological services.

4 **Sec. 9.** As used in this chapter, "solely" means conduct that  
5 would not have occurred if a woman were not pregnant.

6 **Sec. 10. (a)** Except as provided in subsection (b), as used in this  
7 chapter, "threat" means at least one (1) statement or a course of  
8 conduct by an individual that would cause a reasonable person to  
9 believe that the individual is likely to act in accordance with the  
10 statement or as implied by the course of conduct.

11 **(b)** The term does not include constitutionally protected speech  
12 or any generalized statement regarding a lawful pregnancy option,  
13 including an emotional expression by a family or household  
14 member regarding the pregnant woman.

15 **Sec. 11.** As used in this chapter, "unborn child" means the  
16 offspring of a human being from conception until birth.

17 **Sec. 12. (a)** A person who knowingly or intentionally coerces a  
18 pregnant woman to have an abortion commits a Level 6 felony.

19 **(b)** A father or putative father who is at least eighteen (18) years  
20 of age who knowingly or intentionally coerces a pregnant female  
21 who is less than eighteen (18) years of age to have an abortion  
22 commits a Level 6 felony.

23 **Sec. 13.** A pregnant woman who is the victim of an act described  
24 in section 12 of this chapter may bring a civil action for the  
25 recovery of damages for her injury, including wrongful death on  
26 behalf of an unborn child under IC 34-23-2-1 regardless of whether  
27 the perpetrator is criminally prosecuted or convicted under section  
28 12 of this chapter. The pregnant woman shall be entitled to  
29 recover, in addition to other damages, reasonable attorney's fees  
30 and costs if she prevails.

31 **Sec. 14.** If a pregnant woman less than eighteen (18) years of age  
32 is threatened with coercion, she may apply to a superior court for  
33 relief. The court appointed counsel may give the case expedited  
34 consideration and grant necessary relief to prevent further  
35 coercion.

36 **Sec. 15.** If a female less than eighteen (18) years of age is denied  
37 financial support by a parent, guardian, or custodian because she  
38 refuses to have an abortion, she will be considered emancipated for  
39 purposes of eligibility for public assistance benefits.

40 **Sec. 16. (a)** A reproductive health care facility shall  
41 conspicuously post signs visible to any person who enters the  
42 reproductive health care facility that:



1 (1) are clearly readable; and

2 (2) state the following:

3 "It is against the law for anyone, regardless of his or her  
4 relationship to you, to force you to have an abortion. You  
5 have the right to contact local or state law enforcement or  
6 a social service agency to receive protection from any  
7 actual or threatened physical, emotional, or psychological  
8 abuse. It is against the law to perform, induce, prescribe  
9 for, or provide you with the means for an abortion without  
10 your voluntary consent."

11 (b) A reproductive health care facility shall post the sign  
12 described in subsection (a) in each waiting room, consultation  
13 room, and procedure room.

14 (c) The continued posting of the sign described in subsection (a)  
15 is a condition of licensure for each reproductive health care  
16 facility.

17 **Sec. 17. (a) A mandatory reporter must report to law**  
18 **enforcement every instance of alleged or suspected coerced**  
19 **abortion as described in section 12 of this chapter. A mandatory**  
20 **reporter may not use discretion in deciding whether a case should**  
21 **or should not be reported to law enforcement.**

22 (b) A mandatory reporter must make a report described in  
23 subsection (a) to law enforcement within forty-eight (48) hours of  
24 the coercion or attempted coercion being brought to the mandatory  
25 reporter's attention.

26 (c) A mandatory reporter may not delegate the responsibility to  
27 report coercion or attempted coercion under subsection (a) to  
28 another individual.

29 (d) The mandatory reporter making a report under subsection  
30 (a) shall provide the following information:

31 (1) The name and address of the pregnant woman.

32 (2) The name and address of the person who is responsible for  
33 the care or custody of the pregnant woman if she is less than  
34 eighteen (18) years of age.

35 (3) Any pertinent information relating to the alleged or  
36 suspected coercion or attempted coercion of the pregnant  
37 woman to undergo an abortion.

38 (e) A reproductive health care facility that knowingly employs  
39 a mandatory reporter after a mandatory reporter violates this  
40 section commits a Class C infraction.

41 SECTION 14. IC 25-22.5-8-6, AS ADDED BY P.L.173-2017,  
42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 6. (a) As used in this section, "abortion" has the  
2 meaning set forth in ~~IC 16-18-2-1~~. **IC 16-18-2-1(a).**

3 (b) Notwithstanding IC 25-1-9, the board may revoke the license of  
4 a physician if, after appropriate notice and an opportunity for a hearing,  
5 the attorney general proves by a preponderance of the evidence that the  
6 physician:

7 (1) failed to transmit the form to the state department of health as  
8 described in IC 16-34-2-5(b); or

9 (2) performed an abortion in violation of IC 16-34-2-7(a) through  
10 IC 16-34-2-7(c) with the intent to avoid the requirements of  
11 IC 16-34-2.

12 SECTION 15. IC 34-23-2-1, AS AMENDED BY P.L.129-2009,  
13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2021]: Sec. 1. (a) **Except as provided in subsection (b)**, this  
15 section does not apply to an abortion performed in compliance with:

16 (1) IC 16-34; or

17 (2) IC 35-1-58.5 (before its repeal).

18 **(b) This section applies to a coerced abortion under IC 16-34-5.**

19 ~~(b)~~ (c) As used in this section, "child" means an unmarried  
20 individual without dependents who is:

21 (1) less than twenty (20) years of age; or

22 (2) less than twenty-three (23) years of age and is enrolled in a  
23 postsecondary educational institution or a career and technical  
24 education school or program that is not a postsecondary  
25 educational program.

26 The term includes a fetus that has attained viability (as defined in  
27 ~~IC 16-18-2-365~~). **in any stage of development.**

28 ~~(e)~~ (d) An action may be maintained under this section against the  
29 person whose wrongful act or omission caused the injury or death of a  
30 child. The action may be maintained by:

31 (1) the father and mother jointly, or either of them by naming the  
32 other parent as a codefendant to answer as to his or her interest;

33 (2) in case of divorce or dissolution of marriage, the person to  
34 whom custody of the child was awarded; and

35 (3) a guardian, for the injury or death of a protected person.

36 ~~(d)~~ (e) In case of death of the person to whom custody of a child was  
37 awarded, a personal representative shall be appointed to maintain the  
38 action for the injury or death of the child.

39 ~~(e)~~ (f) In an action brought by a guardian for an injury to a protected  
40 person, the damages inure to the benefit of the protected person.

41 ~~(f)~~ (g) In an action to recover for the death of a child, the plaintiff  
42 may recover damages:



- 1 (1) for the loss of the child's services;
- 2 (2) for the loss of the child's love and companionship; and
- 3 (3) to pay the expenses of:
  - 4 (A) health care and hospitalization necessitated by the
  - 5 wrongful act or omission that caused the child's death;
  - 6 (B) the child's funeral and burial;
  - 7 (C) the reasonable expense of psychiatric and psychological
  - 8 counseling incurred by a surviving parent or minor sibling of
  - 9 the child that is required because of the death of the child;
  - 10 (D) uninsured debts of the child, including debts for which a
  - 11 parent is obligated on behalf of the child; and
  - 12 (E) the administration of the child's estate, including
  - 13 reasonable attorney's fees.

14 ~~(g)~~ **(h)** Damages may be awarded under this section only with  
 15 respect to the period of time from the death of the child until:

- 16 (1) the date that the child would have reached:
  - 17 (A) twenty (20) years of age; or
  - 18 (B) twenty-three (23) years of age, if the child was enrolled in
  - 19 a postsecondary educational institution or in a career and
  - 20 technical education school or program that is not a
  - 21 postsecondary educational program; or
- 22 (2) the date of the child's last surviving parent's death;

23 whichever first occurs.

24 ~~(h)~~ **(i)** Damages may be awarded under subsection ~~(f)(2)~~ **(g)(2)** only  
 25 with respect to the period of time from the death of the child until the  
 26 date of the child's last surviving parent's death.

27 ~~(i)~~ **(j)** Damages awarded under subsection ~~(f)(1)~~, ~~(f)(2)~~, ~~(f)(3)(C)~~,  
 28 **(g)(1)**, **(g)(2)**, **(g)(3)(C)**, and ~~(f)(3)(D)~~ **(g)(3)(D)** inure to the benefit of:

- 29 (1) the father and mother jointly if both parents had custody of the
- 30 child;
- 31 (2) the custodial parent, or custodial grandparent, and the
- 32 noncustodial parent of the deceased child as apportioned by the
- 33 court according to their respective losses; or
- 34 (3) a custodial grandparent of the child if the child was not
- 35 survived by a parent entitled to benefit under this section.

36 However, a parent or grandparent who abandoned a deceased child  
 37 while the child was alive is not entitled to any recovery under this  
 38 chapter.

39 ~~(j)~~ **(k)** This section does not affect or supersede any other right,  
 40 remedy, or defense provided by any other law.

41 SECTION 16. IC 35-41-3-2, AS AMENDED BY P.L.107-2019,  
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 2. (a) In enacting this section, the general  
 2 assembly finds and declares that it is the policy of this state to  
 3 recognize the unique character of a citizen's home and to ensure that a  
 4 citizen feels secure in his or her own home against unlawful intrusion  
 5 by another individual or a public servant. By reaffirming the long  
 6 standing right of a citizen to protect his or her home against unlawful  
 7 intrusion, however, the general assembly does not intend to diminish  
 8 in any way the other robust self defense rights that citizens of this state  
 9 have always enjoyed. Accordingly, the general assembly also finds and  
 10 declares that it is the policy of this state that people have a right to  
 11 defend themselves and third parties from physical harm and crime. The  
 12 purpose of this section is to provide the citizens of this state with a  
 13 lawful means of carrying out this policy. Provisions concerning civil  
 14 immunity for the justified use of force as defined in this section are  
 15 codified under IC 34-30-31.

16 (b) As used in this section, "public servant" means a person  
 17 described in IC 35-31.5-2-129 or IC 35-31.5-2-185.

18 (c) A person is justified in using reasonable force against any other  
 19 person to protect the person or a third person, **including a fetus (as**  
 20 **defined in IC 16-18-2-128.7)**, from what the person reasonably  
 21 believes to be the imminent use of unlawful force. However, a person:

- 22 (1) is justified in using deadly force; and  
 23 (2) does not have a duty to retreat;

24 if the person reasonably believes that that force is necessary to prevent  
 25 serious bodily injury to the person or a third person or the commission  
 26 of a forcible felony. No person, employer, or estate of a person in this  
 27 state shall be placed in legal jeopardy of any kind whatsoever for  
 28 protecting the person or a third person by reasonable means necessary.

29 (d) **A person who is pregnant is justified in using reasonable**  
 30 **force against any other person to protect the person's fetus (as**  
 31 **defined in IC 16-18-2-128.7) from what the person reasonably**  
 32 **believes to be the imminent use of unlawful force. However, a**  
 33 **person who is pregnant:**

- 34 (1) is justified in using deadly force; and  
 35 (2) does not have a duty to retreat;

36 **if the person reasonably believes that that force is necessary to**  
 37 **prevent serious bodily injury to the person's fetus or the**  
 38 **commission of a forcible felony. No person, employer, or estate of**  
 39 **a person in this state shall be placed in legal jeopardy of any kind**  
 40 **whatsoever for protecting the person's fetus by reasonable means**  
 41 **necessary.**

42 (⊕) (e) A person:





- 1 (1) is justified in using reasonable force, including deadly force,  
 2 against any other person; and  
 3 (2) does not have a duty to retreat;  
 4 if the person reasonably believes that the force is necessary to prevent  
 5 or terminate the other person's unlawful entry of or attack on the  
 6 person's dwelling, curtilage, or occupied motor vehicle.
- 7 ~~(e)~~ **(f)** With respect to property other than a dwelling, curtilage, or  
 8 an occupied motor vehicle, a person is justified in using reasonable  
 9 force against any other person if the person reasonably believes that the  
 10 force is necessary to immediately prevent or terminate the other  
 11 person's trespass on or criminal interference with property lawfully in  
 12 the person's possession, lawfully in possession of a member of the  
 13 person's immediate family, or belonging to a person whose property the  
 14 person has authority to protect. However, a person:  
 15 (1) is justified in using deadly force; and  
 16 (2) does not have a duty to retreat;  
 17 only if that force is justified under subsection (c).
- 18 ~~(f)~~ **(g)** A person is justified in using reasonable force, including  
 19 deadly force, against any other person and does not have a duty to  
 20 retreat if the person reasonably believes that the force is necessary to  
 21 prevent or stop the other person from hijacking, attempting to hijack,  
 22 or otherwise seizing or attempting to seize unlawful control of an  
 23 aircraft in flight. For purposes of this subsection, an aircraft is  
 24 considered to be in flight while the aircraft is:  
 25 (1) on the ground in Indiana:  
 26 (A) after the doors of the aircraft are closed for takeoff; and  
 27 (B) until the aircraft takes off;  
 28 (2) in the airspace above Indiana; or  
 29 (3) on the ground in Indiana:  
 30 (A) after the aircraft lands; and  
 31 (B) before the doors of the aircraft are opened after landing.
- 32 ~~(g)~~ **(h)** Notwithstanding subsections (c) through ~~(e)~~; **(f)**, a person is  
 33 not justified in using force if:  
 34 (1) the person is committing or is escaping after the commission  
 35 of a crime;  
 36 (2) the person provokes unlawful action by another person with  
 37 intent to cause bodily injury to the other person; or  
 38 (3) the person has entered into combat with another person or is  
 39 the initial aggressor unless the person withdraws from the  
 40 encounter and communicates to the other person the intent to do  
 41 so and the other person nevertheless continues or threatens to  
 42 continue unlawful action.



1           ~~(f)~~ **(i)** Notwithstanding subsection ~~(f)~~; **(g)**, a person is not justified  
2 in using force if the person:

- 3           (1) is committing, or is escaping after the commission of, a crime;  
4           (2) provokes unlawful action by another person, with intent to  
5           cause bodily injury to the other person; or  
6           (3) continues to combat another person after the other person  
7           withdraws from the encounter and communicates the other  
8           person's intent to stop hijacking, attempting to hijack, or  
9           otherwise seizing or attempting to seize unlawful control of an  
10          aircraft in flight.

11          ~~(j)~~ **(j)** A person is justified in using reasonable force against a public  
12 servant if the person reasonably believes the force is necessary to:

- 13          (1) protect the person or a third person from what the person  
14          reasonably believes to be the imminent use of unlawful force;  
15          (2) prevent or terminate the public servant's unlawful entry of or  
16          attack on the person's dwelling, curtilage, or occupied motor  
17          vehicle; or  
18          (3) prevent or terminate the public servant's unlawful trespass on  
19          or criminal interference with property lawfully in the person's  
20          possession, lawfully in possession of a member of the person's  
21          immediate family, or belonging to a person whose property the  
22          person has authority to protect.

23          ~~(k)~~ **(k)** Notwithstanding subsection ~~(i)~~; **(j)**, a person is not justified  
24 in using force against a public servant if:

- 25          (1) the person is committing or is escaping after the commission  
26          of a crime;  
27          (2) the person provokes action by the public servant with intent to  
28          cause bodily injury to the public servant;  
29          (3) the person has entered into combat with the public servant or  
30          is the initial aggressor, unless the person withdraws from the  
31          encounter and communicates to the public servant the intent to do  
32          so and the public servant nevertheless continues or threatens to  
33          continue unlawful action; or  
34          (4) the person reasonably believes the public servant is:  
35                  (A) acting lawfully; or  
36                  (B) engaged in the lawful execution of the public servant's  
37                  official duties.

38          ~~(l)~~ **(l)** A person is not justified in using deadly force against a public  
39 servant whom the person knows or reasonably should know is a public  
40 servant unless:

- 41          (1) the person reasonably believes that the public servant is:  
42                  (A) acting unlawfully; or



1 (B) not engaged in the execution of the public servant's official  
2 duties; and  
3 (2) the force is reasonably necessary to prevent serious bodily  
4 injury to the person or a third person.  
5 SECTION 17. IC 35-52-16-23.5 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2021]: **Sec. 23.5. IC 16-34-5-12 defines a**  
8 **crime concerning coerced abortion.**

