

SENATE BILL No. 1(ss)

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-21-2-2.5; IC 16-34; IC 25-22.5-8-6; IC 27-8-33; IC 27-13-7-7.5; IC 35-31.5-2-132; IC 35-41-3-12; IC 35-42-1; IC 35-46-5-1.5.

Synopsis: Abortion. Prohibits abortion unless: (1) the abortion is necessary to prevent a substantial permanent impairment of the life of the mother; or (2) the pregnancy was the result of rape or incest. Specifies other requirements for performing an abortion. Prohibits an abortion clinic from performing a surgical abortion. Defines "abortion", "pregnancy", "rape or incest", and "fetus". Provides a defense for a pregnant mother charged with a criminal offense for terminating or seeking the termination of her pregnancy. Specifies that a person who terminates the pregnancy of a pregnant woman upon her request may only be charged with certain crimes. Exempts from the crime of feticide: (1) the pregnant mother; (2) a person who provides medical treatment in good faith to a pregnant woman that results in the accidental or unintentional termination of the pregnancy; and (3) a physician who performs a medical procedure to terminate the pregnancy upon request of the pregnant woman. Repeals obsolete provisions and makes conforming amendments.

Effective: September 1, 2022.

Glick

July 25, 2022, read first time and referred to Committee on Rules and Legislative Procedure.



Special Session of the 122nd General Assembly (2022)(ss)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 1(ss)

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 SEPTEMBER 1, 2022]: Sec. 1. "Abortion" means the termination of
4 human pregnancy with an intention other than to:

- 5 (1) produce a live birth; ~~or to~~
- 6 (2) remove a dead fetus; **or**
- 7 (3) **terminate a pregnancy where the fetus suffers from an**
- 8 **irremediable medical condition that is incompatible with**
- 9 **sustained life outside the womb, regardless of when the child**
- 10 **is born.**

11 The term includes abortions by surgical procedures and by abortion
12 inducing drugs.

13 SECTION 2. IC 16-18-2-1.5, AS AMENDED BY P.L.50-2021,
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 SEPTEMBER 1, 2022]: Sec. 1.5. (a) "Abortion clinic", for purposes of
16 IC 16-21-2, IC 16-34-2-4.7, IC 16-34-3, and IC 16-41-16, means a
17 health care provider (as defined in section 163(e)(1) of this chapter)



- 1 that
- 2 (1) ~~performs surgical abortion procedures; or~~
- 3 (2) ~~beginning January 1, 2014,~~ provides an abortion inducing
- 4 drug for the purpose of inducing an abortion.
- 5 (b) The term does not include the following:
- 6 (1) A hospital that is licensed as a hospital under IC 16-21-2.
- 7 (2) An ambulatory outpatient surgical center that is licensed as an
- 8 ambulatory outpatient surgical center under IC 16-21-2.
- 9 (3) A health care provider that provides, prescribes, administers,
- 10 or dispenses an abortion inducing drug to fewer than five (5)
- 11 patients per year for the purposes of inducing an abortion.
- 12 SECTION 3. IC 16-18-2-128.7, AS AMENDED BY P.L.213-2016,
- 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 SEPTEMBER 1, 2022]: Sec. 128.7. "Fetus", for purposes of IC 16-34
- 15 and IC 16-41-16, means an unborn child ~~irrespective of gestational age~~
- 16 ~~or the duration of the pregnancy.~~ **throughout all stages of the fetus's**
- 17 **development in a pregnant woman's uterus from implantation until**
- 18 **birth.**
- 19 SECTION 4. IC 16-18-2-289.5 IS ADDED TO THE INDIANA
- 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 289.5. "Pregnancy" or**
- 22 **"pregnant", for purposes of IC 16-34, means the female**
- 23 **reproductive condition of having a living fetus implanted in her**
- 24 **uterus.**
- 25 SECTION 5. IC 16-18-2-306.7 IS ADDED TO THE INDIANA
- 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 27 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 306.7. "Rape or incest",**
- 28 **for purposes of IC 16-34, means:**
- 29 (1) **sexual intercourse with another person if the other person**
- 30 **is related to the person biologically as a parent, child,**
- 31 **grandparent, grandchild, sibling, aunt, uncle, niece, or**
- 32 **nephew;**
- 33 (2) **rape (IC 35-42-4-1);**
- 34 (3) **child molesting (IC 35-42-4-3);**
- 35 (4) **child seduction (IC 35-42-4-7); or**
- 36 (5) **sexual misconduct with a minor (IC 35-42-4-9);**
- 37 **even if a person has not been charged with or convicted of the act**
- 38 **or offense. The term includes a delinquent act described in**
- 39 **subdivisions (2) through (5) that would be a crime if committed by**
- 40 **an adult.**
- 41 SECTION 6. IC 16-18-2-308.1 IS ADDED TO THE INDIANA
- 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 308.1. "Reasonable**
 2 **medical judgment"**, for purposes of IC 16-34, means a medical
 3 **judgment, based upon the facts known to the physician at the time,**
 4 **that would be made by a reasonably prudent physician who is**
 5 **knowledgeable about the treatment possibilities concerning the**
 6 **medical conditions involved. A physician may consider an affidavit**
 7 **described in IC 16-34-2-1 when making a reasonable medical**
 8 **judgment.**

9 SECTION 7. IC 16-21-2-2.5, AS AMENDED BY P.L.205-2018,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 SEPTEMBER 1, 2022]: Sec. 2.5. (a) The state department shall adopt
 12 rules under IC 4-22-2 to do the following concerning birthing centers
 13 and abortion clinics:

- 14 (1) Establish minimum license qualifications.
 15 (2) Establish the following requirements:
 16 (A) Sanitation standards.
 17 (B) Staff qualifications.
 18 (C) Necessary emergency equipment.
 19 (D) Procedures to provide emergency care.
 20 (E) Procedures to monitor patients after the administration of
 21 anesthesia.
 22 (F) Procedures to provide follow-up care for patient
 23 complications.
 24 (G) Quality assurance standards.
 25 (H) Infection control.
 26 (I) Provision of informed consent brochures, as described in
 27 IC 16-34-2-1.5, in English, Spanish, and a third language
 28 determined by the state department, inside abortion clinics.
 29 (J) Provision of a hotline telephone number that provides
 30 assistance for patients who are:
 31 (i) coerced into an abortion; or
 32 (ii) victims of sex trafficking.
 33 (K) Annual training by law enforcement officers on identifying
 34 and assisting women who are:
 35 (i) coerced into an abortion; or
 36 (ii) victims of sex trafficking.
 37 (3) Prescribe the operating policies, supervision, and maintenance
 38 of medical records, including the requirement that all forms that
 39 require a patient signature be stored in the patient's medical
 40 record.
 41 (4) Establish procedures for the issuance, renewal, denial, and
 42 revocation of licenses under this chapter. The rules adopted under



1 this subsection must address the following:

- 2 (A) The form and content of the license.
 3 (B) The collection of an annual license fee.
 4 (5) Prescribe the procedures and standards for inspections.
 5 (6) Prescribe procedures for:
 6 (A) implementing a plan of correction to address any
 7 violations of any provision of this chapter or any rules adopted
 8 under this chapter; and
 9 (B) implementing a system for the state department to follow
 10 if the abortion clinic or birthing center fails to comply with the
 11 plan of correction described in clause (A) and disciplinary
 12 action is needed.

13 (b) A person who knowingly or intentionally:

- 14 (1) operates a birthing center or an abortion clinic that is not
 15 licensed under this chapter; or
 16 (2) advertises the operation of a birthing center or an abortion
 17 clinic that is not licensed under this chapter;

18 commits a Class A misdemeanor.

19 (c) ~~Not later than January 1, 2019;~~ The state department shall:

20 **(1) adopt rules under IC 4-22-2, including those required**
 21 **under subsection (a), for existing and future abortion clinics;**
 22 **and**

23 **(2) establish procedures regarding the issuance of licenses to**
 24 **existing and future abortion clinics.**

25 ~~(1) adopt separate rules under IC 4-22-2, including those required~~
 26 ~~under subsection (a), for existing and future abortion clinics that~~
 27 ~~perform only surgical abortions;~~

28 ~~(2) adopt separate rules under IC 4-22-2, including those required~~
 29 ~~under subsection (a), for existing and future abortion clinics that~~
 30 ~~perform abortions only through the provision of an abortion~~
 31 ~~inducing drug; and~~

32 ~~(3) establish procedures regarding the issuance of licenses to~~
 33 ~~existing and future abortion clinics that:~~

34 ~~(A) perform only surgical abortions;~~

35 ~~(B) perform abortions only through the provision of an~~
 36 ~~abortion inducing drug; or~~

37 ~~(C) perform both surgical abortions and abortions through the~~
 38 ~~provision of abortion inducing drugs.~~

39 (d) A rule or emergency rule adopted under subsection (c)(1) **or**
 40 **(c)(2) or (c)(3)** applies, respectively, to every abortion clinic, **of the**
 41 **type described in subsection (c)(1), (c)(2), or (c)(3);** regardless of the
 42 date of adoption of the rule or emergency rule.



1 (e) Before January 1, 2019, the state department shall adopt
 2 emergency rules in the manner provided under IC 4-22-2-37.1 to carry
 3 out the duties established in this section under the following:

4 (1) Subsection (a)(2)(E):

5 (2) Subsection (a)(2)(F):

6 (3) Subsection (a)(2)(I):

7 (4) Subsection (a)(2)(J):

8 (5) Subsection (a)(2)(K):

9 (6) Subsection (a)(3):

10 (7) Subsection (a)(5):

11 (8) Subsection (a)(6):

12 This subsection expires July 1, 2019:

13 SECTION 8. IC 16-34-1-8, AS ADDED BY P.L.193-2011,
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 SEPTEMBER 1, 2022]: Sec. 8. A qualified health plan (as defined in
 16 IC 27-8-33-3) offered under Subtitle D of Title 1 of the federal Patient
 17 Protection and Affordable Care Act (P.L. 111-148) may not provide
 18 coverage for abortion, except in the following cases:

19 (1) The pregnant woman became pregnant through an act of rape
 20 or incest:

21 (2) **unless** An the abortion is necessary to avert the pregnant
 22 woman's death or a substantial and irreversible impairment of a
 23 major bodily function of the pregnant woman: **permitted under**
 24 **IC 16-34-2-1.**

25 SECTION 9. IC 16-34-1-9 IS REPEALED [EFFECTIVE
 26 SEPTEMBER 1, 2022]. Sec. 9: (a) The general assembly finds the
 27 following:

28 (1) There is substantial medical evidence that a fetus at twenty
 29 (20) weeks of postfertilization age has the physical structures
 30 necessary to experience pain:

31 (2) There is substantial medical evidence that a fetus of at least
 32 twenty (20) weeks of postfertilization age seeks to evade certain
 33 stimuli in a manner similar to an infant's or adult's response to
 34 pain:

35 (3) Anesthesia is routinely administered to a fetus of at least
 36 twenty (20) weeks of postfertilization age when prenatal surgery
 37 is performed:

38 (4) A fetus has been observed to exhibit hormonal stress
 39 responses to painful stimuli earlier than at twenty (20) weeks of
 40 postfertilization age:

41 (b) Indiana asserts a compelling state interest in protecting the life
 42 of a fetus from the state at which substantial medical evidence indicates



1 that the fetus is capable of feeling pain:

2 SECTION 10. IC 16-34-1-10, AS ADDED BY P.L.173-2017,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 SEPTEMBER 1, 2022]: Sec. 10. If the state or an agency of the state
5 has wardship or guardianship of an unemancipated pregnant minor, the
6 state or agency of the state may not consent to an abortion unless the
7 abortion is necessary to avert the pregnant minor's death or a
8 substantial and irreversible impairment of a major bodily function of
9 the pregnant minor, as determined by a physician who certifies the
10 determination in writing. **permitted under IC 16-34-2-1.**

11 SECTION 11. IC 16-34-2-1, AS AMENDED BY P.L.218-2021,
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 SEPTEMBER 1, 2022]: Sec. 1. (a) Abortion shall in all instances be a
14 criminal act, except when performed under the following
15 circumstances:

16 (1) Except as prohibited in IC 16-34-4, during the first trimester
17 of pregnancy for reasons based upon the professional, medical
18 judgment of the pregnant woman's physician if:

19 (A) the abortion is performed by the physician;

20 (B) the woman submitting to the abortion has filed her consent
21 with her physician. However, if in the judgment of the
22 physician the abortion is necessary to preserve the life of the
23 woman, her consent is not required; and

24 (C) the woman submitting to the abortion has filed with her
25 physician the written consent of her parent or legal guardian
26 if required under section 4 of this chapter.

27 However, an abortion inducing drug may not be dispensed,
28 prescribed, administered, or otherwise given to a pregnant woman
29 after eight (8) weeks of postfertilization age. A physician must
30 dispense the abortion inducing drug in person and have the
31 pregnant woman consume the drug in the presence of the
32 physician. A physician shall examine a pregnant woman in person
33 before prescribing or dispensing an abortion inducing drug. The
34 physician shall provide the pregnant woman with a copy of the
35 manufacturer's instruction sheets and require that the pregnant
36 woman sign the manufacturer's patient agreement form. A
37 physician shall also provide, orally and in writing, along with
38 other discharge information, the following statement: "Some
39 evidence suggests that the effects of Mifepristone may be
40 avoided, ceased, or reversed if the second pill, Misoprostol, has
41 not been taken. Immediately contact the following for more
42 information at (insert applicable abortion inducing drug reversal



Internet web site and corresponding hotline number)." The physician shall retain a copy of the signed patient agreement form, and the signed physician's agreement form required by the manufacturer, in the patient's file. As used in this subdivision, "in person" does not include the use of telehealth or telemedicine services.

(2) Except as prohibited by IC 16-34-4, after the first trimester of pregnancy and before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age, for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) all the circumstances and provisions required for legal abortion during the first trimester are present and adhered to; and

(B) the abortion is performed in a hospital or ambulatory outpatient surgical center (as defined in IC 16-18-2-14).

(3) Except as provided in subsection (b) or as prohibited by IC 16-34-4, at the earlier of viability of the fetus or twenty (20) weeks of postfertilization age and any time after, for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) all the circumstances and provisions required for legal abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age are present and adhered to;

(B) the abortion is performed in compliance with section 3 of this chapter; and

(C) before the abortion the attending physician shall certify in writing to the hospital in which the abortion is to be performed, that in the attending physician's professional, medical judgment, after proper examination and review of the woman's history, the abortion is necessary to prevent a substantial permanent impairment of the life or physical health of the pregnant woman. All facts and reasons supporting the certification shall be set forth by the physician in writing and attached to the certificate.

(a) Abortion is unlawful unless all of the following apply:

(1) If the abortion is a surgical abortion, the abortion is performed by a physician licensed under IC 25-22.5.

(2) If the abortion is a surgical abortion, the abortion is performed in:

(A) a hospital licensed under IC 16-21; or

(B) an ambulatory outpatient surgical center as defined in



- 1 **IC 16-18-2-14 that is owned by a hospital licensed under**
 2 **IC 16-21;**
 3 **unless it is necessary to perform the abortion in another**
 4 **location due to a medical emergency.**
 5 **(3) If the abortion is induced by an abortion inducing drug, a**
 6 **physician must dispense the abortion inducing drug in person**
 7 **and have the pregnant woman consume the drug in the**
 8 **presence of the physician. A physician shall examine a**
 9 **pregnant woman in person before prescribing or dispensing**
 10 **an abortion inducing drug. The physician shall provide the**
 11 **pregnant woman with a copy of the manufacturer's**
 12 **instruction sheets and require that the pregnant woman sign**
 13 **the manufacturer's patient agreement form. A physician shall**
 14 **also provide, orally and in writing, along with other discharge**
 15 **information, the following statement: "Some evidence**
 16 **suggests that the effects of Mifepristone may be avoided,**
 17 **ceased, or reversed if the second pill, Misoprostol, has not**
 18 **been taken. Immediately contact the following for more**
 19 **information at (insert applicable abortion inducing drug**
 20 **reversal Internet web site and corresponding hotline**
 21 **number).". The physician shall retain a copy of the signed**
 22 **patient agreement form, and the signed physician's agreement**
 23 **form required by the manufacturer, in the patient's file. As**
 24 **used in this subdivision, "in person" does not include the use**
 25 **of telehealth or telemedicine services.**
 26 **(4) The woman submitting to the abortion has filed her**
 27 **consent with her physician. However, if in the judgment of the**
 28 **physician the abortion is necessary to preserve the life of the**
 29 **woman, her consent is not required.**
 30 **(5) The woman submitting to the abortion has filed with her**
 31 **physician the written consent of her parent or legal guardian**
 32 **if required under section 4 of this chapter.**
 33 **(6) Either:**
 34 **(A) the physician determines, based on reasonable medical**
 35 **judgment, that an abortion is necessary to prevent a**
 36 **substantial permanent impairment of the life of the**
 37 **pregnant woman; or**
 38 **(B) the:**
 39 **(i) pregnancy was the result of rape or incest; and**
 40 **(ii) pregnant woman provides the physician with an**
 41 **affidavit, signed under penalties of perjury, attesting to**
 42 **the rape or incest.**



- 1 **The affidavit provided under this clause is confidential.**
 2 (b) A person may not knowingly or intentionally perform a partial
 3 birth abortion unless a physician reasonably believes that:
 4 (1) performing the partial birth abortion is necessary to save the
 5 mother's life; and
 6 (2) no other medical procedure is sufficient to save the mother's
 7 life.
 8 (c) A person may not knowingly or intentionally perform a
 9 dismemberment abortion unless reasonable medical judgment dictates
 10 that performing the dismemberment abortion is necessary:
 11 (1) to prevent any serious health risk to the mother; or
 12 (2) to save the mother's life.
 13 (d) Telehealth and telemedicine may not be used to provide any
 14 abortion, including the writing or filling of a prescription for any
 15 purpose that is intended to result in an abortion.
 16 SECTION 12. IC 16-34-2-3, AS AMENDED BY P.L.193-2011,
 17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 SEPTEMBER 1, 2022]: Sec. 3. (a) All abortions performed on and
 19 after the earlier of the time a fetus is viable or the time the
 20 postfertilization age of the fetus is at least twenty (20) weeks shall be:
 21 (1) governed by ~~section 1(a)(3)~~ and ~~1(b)~~ **section 1** of this chapter;
 22 (2) performed in a hospital having premature birth intensive care
 23 units, unless compliance with this requirement would result in an
 24 increased risk to the life or health of the mother; and
 25 (3) performed in the presence of a second physician as provided
 26 in subsection (b).
 27 (b) An abortion may be performed after the earlier of the time a
 28 fetus is viable or the time the postfertilization age of the fetus is at least
 29 twenty (20) weeks only if there is in attendance a physician, other than
 30 the physician performing the abortion, who shall take control of and
 31 provide immediate care for a child born alive as a result of the abortion.
 32 During the performance of the abortion, the physician performing the
 33 abortion, and after the abortion, the physician required by this
 34 subsection to be in attendance, shall take all reasonable steps in
 35 keeping with good medical practice, consistent with the procedure
 36 used, to preserve the life and health of the viable unborn child.
 37 However, this subsection does not apply if compliance would result in
 38 an increased risk to the life or health of the mother.
 39 (c) Any fetus born alive shall be treated as a person under the law,
 40 and a birth certificate shall be issued certifying the child's birth even
 41 though the child may subsequently die, in which event a death
 42 certificate shall be issued. Failure to take all reasonable steps, in



1 keeping with good medical practice, to preserve the life and health of
 2 the live born person shall subject the responsible persons to Indiana
 3 laws governing homicide, manslaughter, and civil liability for wrongful
 4 death and medical malpractice.

5 (d) If, before the abortion, the mother, and if married, her husband,
 6 has or have stated in writing that she does or they do not wish to keep
 7 the child in the event that the abortion results in a live birth, and this
 8 writing is not retracted before the abortion, the child, if born alive, shall
 9 immediately upon birth become a ward of the department of child
 10 services.

11 SECTION 13. IC 16-34-2-4.5, AS AMENDED BY P.L.213-2016,
 12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 SEPTEMBER 1, 2022]: Sec. 4.5. (a) A physician may not perform an
 14 abortion (**including dispensing an abortion inducing drug**) unless the
 15 physician:

- 16 (1) has admitting privileges in writing at a hospital located in the
 17 county where abortions are provided or in a contiguous county; or
 18 (2) has entered into a written agreement with a physician who has
 19 written admitting privileges at a hospital in the county or
 20 contiguous county concerning the management of possible
 21 complications of the services provided.

22 A written agreement described in subdivision (2) must be renewed
 23 annually.

24 (b) A physician who performs an abortion (**including dispensing an**
 25 **abortion inducing drug**) shall notify the patient of the location of the
 26 hospital at which the physician or a physician with whom the physician
 27 has entered into an agreement under subsection (a)(2) has admitting
 28 privileges and where the patient may receive follow-up care by the
 29 physician if complications arise.

30 (c) An abortion clinic shall:

- 31 (1) keep at the abortion clinic a copy of the admitting privileges
 32 of a physician described in subsection (a)(1) and (a)(2); and
 33 (2) submit a copy of the admitting privileges described in
 34 subdivision (1) to the state department as part of the abortion
 35 clinic's licensure. The state department shall verify the validity of
 36 the admitting privileges document. The state department shall
 37 remove any identifying information from the admitting privileges
 38 document before releasing the document under IC 5-14-3.

39 (d) The state department shall annually submit a copy of the
 40 admitting privileges described in subsection (a)(1) and a copy of the
 41 written agreement described in subsection (a)(2) to:

- 42 (1) each hospital located in the county in which the hospital



1 granting the admitting privileges described in subsection (a) is
 2 located; and
 3 (2) each hospital located in a county that is contiguous to the
 4 county described in subdivision (1);
 5 where abortions are performed.

6 (e) The state department shall confirm to a member of the public,
 7 upon request, that the admitting privileges required to be submitted
 8 under this section for an abortion clinic have been received by the state
 9 department.

10 (f) Notwithstanding IC 5-14-3-6 and IC 5-14-3-6.5, this section only
 11 allows for the redaction of information that is described in subsection
 12 (c). This section does not allow the state department to limit the
 13 disclosure of information in other public documents.

14 SECTION 14. IC 16-34-2-7, AS AMENDED BY P.L.93-2019,
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 SEPTEMBER 1, 2022]: Sec. 7. (a) Except as provided in subsections
 17 (b) and (c), a person who knowingly or intentionally performs an
 18 abortion ~~not expressly provided for in~~ **prohibited by section 1(b) or**
 19 **1(c) of this chapter** commits a Level 5 felony.

20 (b) A physician who performs an abortion intentionally or
 21 knowingly in violation of ~~section 1(a)(1)(C)~~ **section 1(a)(5)** or 4 of this
 22 chapter commits a Class A misdemeanor.

23 (c) A person who knowingly or intentionally performs an abortion
 24 in violation of section 1.1 of this chapter commits a Class A infraction.

25 (d) A woman upon whom a partial birth abortion is performed may
 26 not be prosecuted for violating or conspiring to violate section 1(b) of
 27 this chapter.

28 (e) A woman upon whom a dismemberment abortion is performed
 29 may not be prosecuted for violating or conspiring to violate section 1(c)
 30 of this chapter.

31 SECTION 15. IC 25-22.5-8-6, AS ADDED BY P.L.173-2017,
 32 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 SEPTEMBER 1, 2022]: Sec. 6. (a) As used in this section, "abortion"
 34 has the meaning set forth in IC 16-18-2-1.

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

- 39 (1) failed to transmit the form to the state department of health as
 40 described in IC 16-34-2-5(b); or
- 41 (2) performed an abortion in violation of ~~IC 16-34-2-7(a) through~~
 42 ~~IC 16-34-2-7(c)~~ **IC 16-34-2** with the intent to avoid the



1 requirements of IC 16-34-2.
 2 SECTION 16. IC 27-8-33-1, AS ADDED BY P.L.193-2011,
 3 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 SEPTEMBER 1, 2022]: Sec. 1. As used in this chapter, "abortion"
 5 means the termination of human pregnancy with an intention other than
 6 to produce a live birth or to remove a dead fetus. **has the meaning set
 7 forth in IC 16-18-2-1.**

8 SECTION 17. IC 27-8-33-4, AS ADDED BY P.L.193-2011,
 9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 SEPTEMBER 1, 2022]: Sec. 4. A qualified health plan offered under
 11 Subtitle D of Title 1 of the federal Patient Protection and Affordable
 12 Care Act may not provide coverage for abortion, except ~~in the~~
 13 following cases:

- 14 (1) ~~The pregnant woman became pregnant through an act of rape~~
 15 ~~or incest.~~
 16 (2) ~~An when an abortion is necessary to avert the pregnant~~
 17 ~~woman's death or a substantial and irreversible impairment of a~~
 18 ~~major bodily function of the pregnant woman.~~ **permitted under**
 19 **IC 16-34-2-1.**

20 SECTION 18. IC 27-13-7-7.5, AS ADDED BY P.L.124-2014,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 SEPTEMBER 1, 2022]: Sec. 7.5. (a) A health maintenance
 23 organization that provides coverage for basic health care services and
 24 that is entered into, delivered, amended, or renewed after December 31,
 25 2014, under a group contract or an individual contract may not provide
 26 coverage for abortion **unless the abortion is permitted under**
 27 **IC 16-34-2-1.** except in the following cases:

- 28 (1) ~~The pregnant woman became pregnant through an act of rape~~
 29 ~~or incest.~~
 30 (2) ~~An abortion is necessary to avert the pregnant woman's death~~
 31 ~~or a substantial and irreversible impairment of a major bodily~~
 32 ~~function of the pregnant woman.~~

33 (b) A health maintenance organization that enters into a group
 34 contract or an individual contract described in subsection (a) may offer
 35 coverage for **an abortion permitted under IC 16-34-2-1** through a
 36 rider or an endorsement.

37 SECTION 19. IC 35-31.5-2-132, AS AMENDED BY P.L.158-2013,
 38 SECTION 370, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE SEPTEMBER 1, 2022]: Sec. 132. "Fetus" ~~for purposes~~
 40 ~~of IC 35-42-1-4,~~ has the meaning set forth in ~~IC 35-42-1-4(a).~~
 41 **IC 16-18-2-128.7.**

42 SECTION 20. IC 35-41-3-12 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 12. (a) It is a defense to**
 3 **any crime involving the death of or injury to a fetus that the**
 4 **defendant was a pregnant woman who committed the unlawful act**
 5 **with the intent to terminate her pregnancy.**

6 **(b) Except as provided in subsection (c), it is a defense to any**
 7 **crime involving the death of or injury to a fetus that the mother of**
 8 **the fetus requested that the defendant terminate her pregnancy,**
 9 **and that the death or injury to the fetus was the result of the**
 10 **defendant's termination or attempted termination of her**
 11 **pregnancy.**

12 **(c) Subsection (b) is not a defense to:**

13 **(1) performing an unlawful abortion under IC 16-34-2-7; or**

14 **(2) feticide (IC 35-42-1-6).**

15 SECTION 21. IC 35-42-1-4, AS AMENDED BY P.L.203-2018,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 SEPTEMBER 1, 2022]: Sec. 4. ~~(a)~~ **As used in this section, "fetus"**
 18 **means a fetus in any stage of development.**

19 ~~(b)~~ **(a) A person who kills another human being while committing**
 20 **or attempting to commit:**

21 **(1) a Level 5 or Level 6 felony that inherently poses a risk of**
 22 **serious bodily injury;**

23 **(2) a Class A misdemeanor that inherently poses a risk of serious**
 24 **bodily injury; or**

25 **(3) battery;**

26 **commits involuntary manslaughter, a Level 5 felony.**

27 ~~(c)~~ **(b) Except as provided in section 6.5 of this chapter, a person**
 28 **who kills a fetus while committing or attempting to commit:**

29 **(1) a Level 5 or Level 6 felony that inherently poses a risk of**
 30 **serious bodily injury;**

31 **(2) a Class A misdemeanor that inherently poses a risk of serious**
 32 **bodily injury;**

33 **(3) a battery offense included in IC 35-42-2; or**

34 **(4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a**
 35 **vehicle while intoxicated);**

36 **commits involuntary manslaughter, a Level 5 felony.**

37 SECTION 22. IC 35-42-1-6, AS AMENDED BY P.L.203-2018,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 SEPTEMBER 1, 2022]: Sec. 6. **(a) This section does not apply to:**

40 **(1) the pregnant mother whose pregnancy is terminated;**

41 **(2) a person who in good faith provides medical treatment to**
 42 **a pregnant woman that results in the accidental or**



1 **unintentional termination of the pregnancy; or**
 2 **(3) a physician licensed under IC 25-22.5 who, upon the**
 3 **request of a pregnant woman, performs a medical procedure**
 4 **to terminate her pregnancy, even if the procedure is not**
 5 **authorized under IC 16-34-2-1.**

6 **(b) Except as provided in section 6.5 of this chapter, A person who**
 7 **knowingly or intentionally terminates a human pregnancy with an**
 8 **intention other than to produce a live birth or to remove a dead fetus**
 9 **commits feticide, a Level 3 felony.**

10 SECTION 23. IC 35-46-5-1.5, AS ADDED BY P.L.213-2016,
 11 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 SEPTEMBER 1, 2022]: Sec. 1.5. ~~(a)~~ **As used in this section, "aborted"**
 13 **means the termination of human pregnancy with an intention other than**
 14 **to produce a live birth or to remove a dead fetus. The term includes**
 15 **abortions by surgical procedures and by abortion inducing drugs.**

16 ~~(b)~~ **(a)** As used in this section, "fetal tissue" includes tissue, organs,
 17 or any other part of an aborted fetus **who was the subject of an**
 18 **abortion (as defined by IC 16-18-2-1).**

19 ~~(c)~~ **(b)** This section does not apply to the proper medical disposal of
 20 fetal tissue.

21 ~~(d)~~ **(c)** A person who intentionally acquires, receives, sells, or
 22 transfers fetal tissue commits unlawful transfer of fetal tissue, a Level
 23 5 felony.

24 ~~(e)~~ **(d)** A person may not alter the timing, method, or procedure used
 25 to terminate a pregnancy for the purpose of obtaining or collecting fetal
 26 tissue. A person who violates this subsection commits the unlawful
 27 collection of fetal tissue, a Level 5 felony.

28 SECTION 24. **An emergency is declared for this act.**

