



Reprinted
July 29, 2022

SENATE BILL No. 1(ss)

DIGEST OF SB 1(ss) (Updated July 29, 2022 12:32 am - DI 107)

Citations Affected: IC 4-6; IC 16-18; IC 16-21; IC 16-34; IC 16-50; IC 25-22.5; IC 27-8; IC 27-13; IC 35-31.5; IC 35-41; IC 35-42; IC 35-46.

Synopsis: Abortion. Makes abortion a Level 5 felony 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 and the fetus has a specified postfertilization age. Specifies other requirements for performing a lawful abortion. Grants the attorney general concurrent jurisdiction to prosecute crimes in a county if the county prosecutor is categorically refusing to prosecute these crimes. Requires reporting to the state department of health the termination of a pregnancy where the fetus is incapable of sustained life outside the womb. 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
(Continued next page)

Effective: September 1, 2022; July 1, 2023.

Glick

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

July 27, 2022, amended, reported favorably — Do Pass.

July 29, 2022, read second time, amended, ordered engrossed.

SB 1(ss)—LS 6033/DI 106



Digest Continued

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. Provides that the statute requiring consent of a parent or legal guardian for a minor's abortion does not apply to a minor who is less than 18 years of age who: (1) is pregnant as a result of rape or incest by a parent, legal guardian, or custodian of the unemancipated minor; and (2) provides the physician with an affidavit, signed under the penalties of perjury, attesting to the rape or incest. Requires the maternal mortality review committee to study how changes in the state's abortion laws affect maternal mortality in Indiana. Repeals obsolete provisions and makes conforming amendments.

SB 1(ss)—LS 6033/DI 106



Reprinted
July 29, 2022

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 4-6-2-1.1, AS AMENDED BY P.L.205-2013,
2 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 SEPTEMBER 1, 2022]: Sec. 1.1. (a) **As used in this section,**
4 **"categorically refusing to enforce" means a blanket refusal to**
5 **enforce one (1) or more specified laws. The term includes the**
6 **refusal to enforce a specified law unless certain conditions are met.**
7 **The term does not include the refusal to enforce a law in one (1) or**
8 **more particular instances, if the determination not to enforce the**
9 **specified law is based on an individual investigation of the facts and**
10 **circumstances of each particular case.**

11 (b) The attorney general has concurrent jurisdiction with the
12 prosecuting attorney in the prosecution of the following:

13 (1) Actions in which a person is accused of committing, while a
14 member of an unlawful assembly as defined in IC 35-45-1-1, a
15 homicide (IC 35-42-1).

16 (2) Actions in which a person is accused of assisting a criminal
17 (IC 35-44.1-2-5), if the person alleged to have been assisted is a

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1 person described in subdivision (1).

2 (3) Actions in which a sheriff is accused of any offense that
3 involves a failure to protect the life of a prisoner in the sheriff's
4 custody.

5 (4) Actions in which a violation of IC 2-8.2-4-6 (concerning
6 constitutional convention delegates) has occurred.

7 **(5) Any violation of a criminal law if the prosecuting attorney
8 is categorically refusing to enforce this law.**

9 SECTION 2. IC 16-18-2-1, AS AMENDED BY P.L.136-2013,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 SEPTEMBER 1, 2022]: Sec. 1. "Abortion" means the termination of
12 human pregnancy with an intention other than to:

13 **(1) produce a live birth; or to**

14 **(2) remove a dead fetus; or**

15 **(3) terminate a pregnancy where the fetus suffers from an
16 irremediable medical condition that is incompatible with
17 sustained life outside the womb, regardless of when the child
18 is born.**

19 The term includes abortions by surgical procedures and by abortion
20 inducing drugs. **The termination of a pregnancy described in
21 subdivision (3) is subject to the reporting requirements of
22 IC 16-34-2-5.**

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

29 ~~(1) performs surgical abortion procedures; or~~

30 ~~(2) beginning January 1, 2014, provides an abortion inducing
31 drug for the purpose of inducing an abortion.~~

32 (b) The term does not include the following:

33 (1) A hospital that is licensed as a hospital under IC 16-21-2.

34 (2) An ambulatory outpatient surgical center that is licensed as an
35 ambulatory outpatient surgical center under IC 16-21-2.

36 (3) A health care provider that provides, prescribes, administers,
37 or dispenses an abortion inducing drug to fewer than five (5)
38 patients per year for the purposes of inducing an abortion.

39 SECTION 4. IC 16-18-2-128.7, AS AMENDED BY P.L.213-2016,
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 SEPTEMBER 1, 2022]: Sec. 128.7. "Fetus", for purposes of IC 16-34
42 and IC 16-41-16, means an unborn child ~~irrespective of gestational age~~



1 or the duration of the pregnancy: throughout all stages of the fetus's
 2 development in a pregnant woman's uterus from implantation until
 3 birth.

4 SECTION 5. IC 16-18-2-289.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 289.5. "Pregnancy" or**
 7 **"pregnant", for purposes of IC 16-34, means the female**
 8 **reproductive condition of having a living fetus implanted in her**
 9 **uterus.**

10 SECTION 6. IC 16-18-2-306.7 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 306.7. "Rape or incest",**
 13 **for purposes of IC 16-34, means:**

14 (1) sexual intercourse with another person if the other person
 15 is related to the person biologically as a parent, child,
 16 grandparent, grandchild, sibling, aunt, uncle, niece, or
 17 nephew;

18 (2) rape (IC 35-42-4-1);

19 (3) child molesting (IC 35-42-4-3);

20 (4) child seduction (IC 35-42-4-7); or

21 (5) sexual misconduct with a minor (IC 35-42-4-9);

22 even if a person has not been charged with or convicted of the act
 23 or offense. The term includes a delinquent act described in
 24 subdivisions (2) through (5) that would be a crime if committed by
 25 an adult.

26 SECTION 7. IC 16-18-2-308.1 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 308.1. "Reasonable**
 29 **medical judgment", for purposes of IC 16-34, means a medical**
 30 **judgment, based upon the facts known to the physician at the time,**
 31 **that would be made by a reasonably prudent physician who is**
 32 **knowledgeable about the treatment possibilities concerning the**
 33 **medical conditions involved. A physician may consider an affidavit**
 34 **described in IC 16-34-2-1 when making a reasonable medical**
 35 **judgment.**

36 SECTION 8. IC 16-21-2-2.5, AS AMENDED BY P.L.205-2018,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 SEPTEMBER 1, 2022]: **Sec. 2.5. (a) The state department shall adopt**
 39 **rules under IC 4-22-2 to do the following concerning birthing centers**
 40 **and abortion clinics:**

41 (1) Establish minimum license qualifications.

42 (2) Establish the following requirements:



- 1 (A) Sanitation standards.
 2 (B) Staff qualifications.
 3 (C) Necessary emergency equipment.
 4 (D) Procedures to provide emergency care.
 5 (E) Procedures to monitor patients after the administration of
 6 anesthesia.
 7 (F) Procedures to provide follow-up care for patient
 8 complications.
 9 (G) Quality assurance standards.
 10 (H) Infection control.
 11 (I) Provision of informed consent brochures, as described in
 12 IC 16-34-2-1.5, in English, Spanish, and a third language
 13 determined by the state department, inside abortion clinics.
 14 (J) Provision of a hotline telephone number that provides
 15 assistance for patients who are:
 16 (i) coerced into an abortion; or
 17 (ii) victims of sex trafficking.
 18 (K) Annual training by law enforcement officers on identifying
 19 and assisting women who are:
 20 (i) coerced into an abortion; or
 21 (ii) victims of sex trafficking.
 22 (3) Prescribe the operating policies, supervision, and maintenance
 23 of medical records, including the requirement that all forms that
 24 require a patient signature be stored in the patient's medical
 25 record.
 26 (4) Establish procedures for the issuance, renewal, denial, and
 27 revocation of licenses under this chapter. The rules adopted under
 28 this subsection must address the following:
 29 (A) The form and content of the license.
 30 (B) The collection of an annual license fee.
 31 (5) Prescribe the procedures and standards for inspections.
 32 (6) Prescribe procedures for:
 33 (A) implementing a plan of correction to address any
 34 violations of any provision of this chapter or any rules adopted
 35 under this chapter; and
 36 (B) implementing a system for the state department to follow
 37 if the abortion clinic or birthing center fails to comply with the
 38 plan of correction described in clause (A) and disciplinary
 39 action is needed.
 40 (b) A person who knowingly or intentionally:
 41 (1) operates a birthing center or an abortion clinic that is not
 42 licensed under this chapter; or



1 (2) advertises the operation of a birthing center or an abortion
 2 clinic that is not licensed under this chapter;
 3 commits a Class A misdemeanor.

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

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

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

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

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

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

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

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

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

24 (d) A rule or emergency rule adopted under subsection (c)(1) or
 25 (c)(2) or ~~(c)(3)~~ applies, respectively, to every abortion clinic, ~~of the~~
 26 ~~type described in subsection (c)(1), (c)(2), or (c)(3)~~; regardless of the
 27 date of adoption of the rule or emergency rule.

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

31 ~~(1) Subsection (a)(2)(E).~~

32 ~~(2) Subsection (a)(2)(F).~~

33 ~~(3) Subsection (a)(2)(I).~~

34 ~~(4) Subsection (a)(2)(J).~~

35 ~~(5) Subsection (a)(2)(K).~~

36 ~~(6) Subsection (a)(3).~~

37 ~~(7) Subsection (a)(5).~~

38 ~~(8) Subsection (a)(6).~~

39 ~~This subsection expires July 1, 2019.~~

40 SECTION 9. IC 16-34-1-8, AS ADDED BY P.L.193-2011,
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 SEPTEMBER 1, 2022]: Sec. 8. A qualified health plan (as defined in



1 IC 27-8-33-3) offered under Subtitle D of Title 1 of the federal Patient
 2 Protection and Affordable Care Act (P.L. 111-148) may not provide
 3 coverage for abortion, **except in the following cases:**

4 (1) **The pregnant woman became pregnant through an act of rape**
 5 **or incest.**

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

10 SECTION 10. IC 16-34-1-9 IS REPEALED [EFFECTIVE
 11 SEPTEMBER 1, 2022]. Sec. 9: (a) The general assembly finds the
 12 following:

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

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

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

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

26 (b) Indiana asserts a compelling state interest in protecting the life
 27 of a fetus from the state at which substantial medical evidence indicates
 28 that the fetus is capable of feeling pain:

29 SECTION 11. IC 16-34-1-10, AS ADDED BY P.L.173-2017,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 SEPTEMBER 1, 2022]: Sec. 10. If the state or an agency of the state
 32 has wardship or guardianship of an unemancipated pregnant minor, the
 33 state or agency of the state may not consent to an abortion unless the
 34 abortion is necessary to avert the pregnant minor's death or a
 35 substantial and irreversible impairment of a major bodily function of
 36 the pregnant minor, as determined by a physician who certifies the
 37 determination in writing: **permitted under IC 16-34-2-1.**

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



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

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

5 (B) the woman submitting to the abortion has filed her consent
 6 with her physician. However, if in the judgment of the
 7 physician the abortion is necessary to preserve the life of the
 8 woman, her consent is not required; and

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

12 However, an abortion inducing drug may not be dispensed;
 13 prescribed, administered, or otherwise given to a pregnant woman
 14 after eight (8) weeks of postfertilization age. A physician must
 15 dispense the abortion inducing drug in person and have the
 16 pregnant woman consume the drug in the presence of the
 17 physician. A physician shall examine a pregnant woman in person
 18 before prescribing or dispensing an abortion inducing drug. The
 19 physician shall provide the pregnant woman with a copy of the
 20 manufacturer's instruction sheets and require that the pregnant
 21 woman sign the manufacturer's patient agreement form. A
 22 physician shall also provide, orally and in writing, along with
 23 other discharge information, the following statement: "Some
 24 evidence suggests that the effects of Mifepristone may be
 25 avoided, ceased, or reversed if the second pill, Misoprostol, has
 26 not been taken. Immediately contact the following for more
 27 information at (insert applicable abortion inducing drug reversal
 28 Internet web site and corresponding hotline number)." The
 29 physician shall retain a copy of the signed patient agreement
 30 form, and the signed physician's agreement form required by the
 31 manufacturer, in the patient's file. As used in this subdivision, "in
 32 person" does not include the use of telehealth or telemedicine
 33 services.

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

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

42 (B) the abortion is performed in a hospital or ambulatory



- 1 outpatient surgical center (as defined in IC 16-18-2-14);
 2 (3) Except as provided in subsection (b) or as prohibited by
 3 IC 16-34-4, at the earlier of viability of the fetus or twenty (20)
 4 weeks of postfertilization age and any time after, for reasons
 5 based upon the professional, medical judgment of the pregnant
 6 woman's physician if:
- 7 (A) all the circumstances and provisions required for legal
 8 abortion before the earlier of viability of the fetus or twenty
 9 (20) weeks of postfertilization age are present and adhered to;
 - 10 (B) the abortion is performed in compliance with section 3 of
 11 this chapter; and
 - 12 (C) before the abortion the attending physician shall certify in
 13 writing to the hospital in which the abortion is to be
 14 performed, that in the attending physician's professional,
 15 medical judgment, after proper examination and review of the
 16 woman's history, the abortion is necessary to prevent a
 17 substantial permanent impairment of the life or physical health
 18 of the pregnant woman. All facts and reasons supporting the
 19 certification shall be set forth by the physician in writing and
 20 attached to the certificate.
- 21 **(a) Abortion is unlawful unless all of the following apply:**
- 22 **(1) If the abortion is a surgical abortion, the abortion is**
 23 **performed by a physician licensed under IC 25-22.5.**
 - 24 **(2) If the abortion is a surgical abortion, the abortion is**
 25 **performed in:**
 - 26 **(A) a hospital licensed under IC 16-21; or**
 - 27 **(B) an ambulatory outpatient surgical center as defined in**
 28 **IC 16-18-2-14 that is owned by a hospital licensed under**
 29 **IC 16-21;**
- 30 **unless it is necessary to perform the abortion in another**
 31 **location due to a medical emergency.**
- 32 **(3) If the abortion is induced by an abortion inducing drug, a**
 33 **physician must dispense the abortion inducing drug in person**
 34 **and have the pregnant woman consume the drug in the**
 35 **presence of the physician. A physician shall examine a**
 36 **pregnant woman in person before prescribing or dispensing**
 37 **an abortion inducing drug. The physician shall provide the**
 38 **pregnant woman with a copy of the manufacturer's**
 39 **instruction sheets and require that the pregnant woman sign**
 40 **the manufacturer's patient agreement form. A physician shall**
 41 **also provide, orally and in writing, along with other discharge**
 42 **information, the following statement: "Some evidence**



1 suggests that the effects of Mifepristone may be avoided,
2 ceased, or reversed if the second pill, Misoprostol, has not
3 been taken. Immediately contact the following for more
4 information at (insert applicable abortion inducing drug
5 reversal Internet web site and corresponding hotline
6 number)". The physician shall retain a copy of the signed
7 patient agreement form, and the signed physician's agreement
8 form required by the manufacturer, in the patient's file. As
9 used in this subdivision, "in person" does not include the use
10 of telehealth or telemedicine services.

11 (4) The woman submitting to the abortion has filed her
12 consent with her physician. However, if in the judgment of the
13 physician the abortion is necessary to preserve the life of the
14 woman, her consent is not required.

15 (5) The woman submitting to the abortion has filed with her
16 physician the written consent of her parent or legal guardian
17 if required under section 4 of this chapter.

18 (6) Any of the following apply:

19 (A) The physician determines, based on reasonable medical
20 judgment, that an abortion is necessary to prevent a
21 substantial permanent impairment of the life of the
22 pregnant woman.

23 (B) If the pregnant woman is less than sixteen (16) years of
24 age, the:

25 (i) pregnancy was the result of rape or incest;

26 (ii) postfertilization age of the fetus is less than twelve
27 (12) weeks; and

28 (iii) pregnant woman provides the physician with a
29 notarized affidavit, signed by the woman under penalties
30 of perjury, attesting to the rape or incest. The physician
31 shall place the affidavit in the woman's permanent
32 health record.

33 (C) If the pregnant woman is at least sixteen (16) years of
34 age, the:

35 (i) pregnancy was the result of rape or incest;

36 (ii) postfertilization age of the fetus is less than eight (8)
37 weeks; and

38 (iii) pregnant woman provides the physician with a
39 notarized affidavit, signed by the woman under penalties
40 of perjury, attesting to the rape or incest. The physician
41 shall place the affidavit in the woman's permanent
42 health record.



1 (b) A person may not knowingly or intentionally perform a partial
2 birth abortion unless a physician reasonably believes that:

3 (1) performing the partial birth abortion is necessary to save the
4 mother's life; and

5 (2) no other medical procedure is sufficient to save the mother's
6 life.

7 (c) A person may not knowingly or intentionally perform a
8 dismemberment abortion unless reasonable medical judgment dictates
9 that performing the dismemberment abortion is necessary:

10 (1) to prevent any serious health risk to the mother; or

11 (2) to save the mother's life.

12 (d) Telehealth and telemedicine may not be used to provide any
13 abortion, including the writing or filling of a prescription for any
14 purpose that is intended to result in an abortion.

15 SECTION 13. IC 16-34-2-3, AS AMENDED BY P.L.193-2011,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 SEPTEMBER 1, 2022]: Sec. 3. (a) All abortions performed on and
18 after the earlier of the time a fetus is viable or the time the
19 postfertilization age of the fetus is at least twenty (20) weeks shall be:

20 (1) governed by ~~section 1(a)(3) and 1(b)~~ **section 1** of this chapter;

21 (2) performed in a hospital having premature birth intensive care
22 units, unless compliance with this requirement would result in an
23 increased risk to the life or health of the mother; and

24 (3) performed in the presence of a second physician as provided
25 in subsection (b).

26 (b) An abortion may be performed after the earlier of the time a
27 fetus is viable or the time the postfertilization age of the fetus is at least
28 twenty (20) weeks only if there is in attendance a physician, other than
29 the physician performing the abortion, who shall take control of and
30 provide immediate care for a child born alive as a result of the abortion.
31 During the performance of the abortion, the physician performing the
32 abortion, and after the abortion, the physician required by this
33 subsection to be in attendance, shall take all reasonable steps in
34 keeping with good medical practice, consistent with the procedure
35 used, to preserve the life and health of the viable unborn child.
36 However, this subsection does not apply if compliance would result in
37 an increased risk to the life or health of the mother.

38 (c) Any fetus born alive shall be treated as a person under the law,
39 and a birth certificate shall be issued certifying the child's birth even
40 though the child may subsequently die, in which event a death
41 certificate shall be issued. Failure to take all reasonable steps, in
42 keeping with good medical practice, to preserve the life and health of



1 the live born person shall subject the responsible persons to Indiana
2 laws governing homicide, manslaughter, and civil liability for wrongful
3 death and medical malpractice.

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

10 SECTION 14. IC 16-34-2-4, AS AMENDED BY P.L.218-2021,
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 SEPTEMBER 1, 2022]: Sec. 4. **(a) This section does not apply to a
13 minor who is less than eighteen (18) years of age who:**

- 14 **(1) is pregnant as a result of rape or incest by a parent, legal**
- 15 **guardian, or custodian of the unemancipated minor; and**
- 16 **(2) provides the physician with an affidavit, signed under the**
- 17 **penalties of perjury, attesting to the rape or incest.**

18 ~~(a)~~ **(b)** No physician shall perform an abortion on an unemancipated
19 pregnant minor less than eighteen (18) years of age without first having
20 obtained from one (1) of the parents, a legal guardian, or a custodian
21 accompanying the unemancipated pregnant minor:

- 22 (1) the notarized written consent of the parent, legal guardian, or
- 23 custodian of the unemancipated pregnant minor;
- 24 (2) government issued proof of identification of the parent or the
- 25 legal guardian or custodian of the unemancipated pregnant minor;
- 26 and
- 27 (3) some evidence, which may include identification or other
- 28 written documentation that provides an articulable basis for a
- 29 reasonably prudent person to believe that the person is the parent
- 30 or legal guardian or custodian of the unemancipated pregnant
- 31 minor.

32 The physician shall keep records of the documents required under this
33 subsection in the unemancipated pregnant minor's medical file for at
34 least seven (7) years.

- 35 ~~(b)~~ **(c)** A minor:
- 36 (1) who objects to having to obtain the written consent of her
- 37 parent or legal guardian or custodian under this section; or
- 38 (2) whose parent or legal guardian or custodian refuses to consent
- 39 to an abortion;

40 may petition, on her own behalf or by next friend, the juvenile court in
41 the county in which the pregnant minor resides or in which the abortion
42 is to be performed, for a waiver of the parental consent requirement



1 under subsection ~~(a)~~ **(b)** and the parental notification requirement
 2 under subsection ~~(d)~~: **(e)**. A next friend may not be a physician or
 3 provider of abortion services, representative of the physician or
 4 provider, or other person that may receive a direct financial benefit
 5 from the performance of an abortion.

6 ~~(e)~~ **(d)** A physician who feels that compliance with the parental
 7 consent requirement in subsection ~~(a)~~ **(b)** would have an adverse effect
 8 on the welfare of the pregnant minor or on her pregnancy may petition
 9 the juvenile court within twenty-four (24) hours of the abortion request
 10 for a waiver of the parental consent requirement under subsection ~~(a)~~
 11 **(b)** and the parental notification requirement under subsection ~~(d)~~: **(e)**.

12 ~~(d)~~ **(e)** Unless the juvenile court finds that it is in the best interests
 13 of an unemancipated pregnant minor to obtain an abortion without
 14 parental notification following a hearing on a petition filed under
 15 subsection ~~(b)~~ **(c)** or ~~(e)~~: **(d)**, a parent, legal guardian, or custodian of
 16 a pregnant unemancipated minor is entitled to receive notice of the
 17 emancipated minor's intent to obtain an abortion before the abortion is
 18 performed on the unemancipated pregnant minor. The attorney
 19 representing the unemancipated pregnant minor shall serve the notice
 20 required by this subsection by certified mail or by personal service and
 21 provide the court with documentation of the attorney's good faith effort
 22 to serve the notice, including any return receipt for a certified mailing.
 23 The court shall retain the documentation provided in the confidential
 24 records of the waiver proceedings held under this section.

25 ~~(e)~~ **(f)** The juvenile court must rule on a petition filed by a pregnant
 26 minor under subsection ~~(b)~~ **(c)** or by her physician under subsection ~~(e)~~
 27 **(d)** within forty-eight (48) hours of the filing of the petition. Before
 28 ruling on the petition, the court shall consider the concerns expressed
 29 by the pregnant minor and her physician. The requirement of parental
 30 consent under this section shall be waived by the juvenile court if the
 31 court finds that the minor is mature enough to make the abortion
 32 decision independently or that an abortion would be in the minor's best
 33 interests. The juvenile court shall waive the requirement of parental
 34 notification under subsection ~~(d)~~ **(e)** if the court finds that obtaining a
 35 abortion without parental notification is in the best interests of the
 36 unemancipated pregnant minor. If the juvenile court does not find that
 37 obtaining an abortion without parental notification is in the best
 38 interests of the unemancipated pregnant minor, the court shall, subject
 39 to an appeal under subsection ~~(g)~~: **(h)**, order the attorney representing
 40 the unemancipated pregnant minor to serve the notice required under
 41 subsection ~~(d)~~: **(e)**.

42 ~~(f)~~ **(g)** Unless the juvenile court finds that the pregnant minor is



1 already represented by an attorney, the juvenile court shall appoint an
 2 attorney to represent the pregnant minor in a waiver proceeding
 3 brought by the minor under subsection ~~(b)~~ **(c)** and on any appeals. The
 4 cost of legal representation appointed for the minor under this section
 5 shall be paid by the county.

6 ~~(g)~~ **(h)** A minor or the minor's physician who desires to appeal an
 7 adverse judgment of the juvenile court in a waiver proceeding under
 8 subsection ~~(b)~~ **(c)** or ~~(e)~~ **(d)** is entitled to an expedited appeal, under
 9 rules to be adopted by the supreme court.

10 ~~(h)~~ **(i)** All records of the juvenile court and of the supreme court or
 11 the court of appeals that are made as a result of proceedings conducted
 12 under this section are confidential.

13 ~~(i)~~ **(j)** A minor who initiates legal proceedings under this section is
 14 exempt from the payment of filing fees.

15 ~~(j)~~ **(k)** This section does not apply where there is an emergency need
 16 for a medical procedure to be performed to avert the pregnant minor's
 17 death or a substantial and irreversible impairment of a major bodily
 18 function of the pregnant minor, and the attending physician certifies
 19 this in writing.

20 ~~(k)~~ **(l)** A physician receiving parental consent under subsection ~~(a)~~
 21 **(b)** shall execute an affidavit for inclusion in the unemancipated
 22 pregnant minor's medical record. The affidavit must contain the
 23 following information:

24 (1) The physician's name.

25 (2) Certification that, to the physician's best information and
 26 belief, a reasonable person under similar circumstances would
 27 rely on the information provided by the unemancipated pregnant
 28 minor and the unemancipated pregnant minor's parent or legal
 29 guardian or custodian as sufficient evidence of identity and
 30 relationship.

31 (3) The physician's signature.

32 ~~(l)~~ **(m)** A person who, with intent to avoid the parental notification
 33 requirements described in subsection ~~(a)~~, **(b)**, falsely claims to be the
 34 parent or legal guardian or custodian of an unemancipated pregnant
 35 minor by:

36 (1) making a material misstatement while purportedly providing
 37 the written consent described in subsection ~~(a)(1)~~, **(b)(1)**; or

38 (2) providing false or fraudulent identification to meet the
 39 requirement described in subsection ~~(a)(2)~~, **(b)(2)**;

40 commits a Level 6 felony.

41 SECTION 15. IC 16-34-2-4.5, AS AMENDED BY P.L.213-2016,
 42 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 SEPTEMBER 1, 2022]: Sec. 4.5. (a) A physician may not perform an
 2 abortion (**including dispensing an abortion inducing drug**) unless the
 3 physician:

- 4 (1) has admitting privileges in writing at a hospital located in the
 5 county where abortions are provided or in a contiguous county; or
 6 (2) has entered into a written agreement with a physician who has
 7 written admitting privileges at a hospital in the county or
 8 contiguous county concerning the management of possible
 9 complications of the services provided.

10 A written agreement described in subdivision (2) must be renewed
 11 annually.

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

18 (c) An abortion clinic shall:

- 19 (1) keep at the abortion clinic a copy of the admitting privileges
 20 of a physician described in subsection (a)(1) and (a)(2); and
 21 (2) submit a copy of the admitting privileges described in
 22 subdivision (1) to the state department as part of the abortion
 23 clinic's licensure. The state department shall verify the validity of
 24 the admitting privileges document. The state department shall
 25 remove any identifying information from the admitting privileges
 26 document before releasing the document under IC 5-14-3.

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

- 30 (1) each hospital located in the county in which the hospital
 31 granting the admitting privileges described in subsection (a) is
 32 located; and
 33 (2) each hospital located in a county that is contiguous to the
 34 county described in subdivision (1);

35 where abortions are performed.

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

40 (f) Notwithstanding IC 5-14-3-6 and IC 5-14-3-6.5, this section only
 41 allows for the redaction of information that is described in subsection
 42 (c). This section does not allow the state department to limit the



- 1 disclosure of information in other public documents.
- 2 SECTION 16. IC 16-34-2-7, AS AMENDED BY P.L.93-2019,
 3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 SEPTEMBER 1, 2022]: Sec. 7. (a) Except as provided in subsections
 5 (b) and (c), a person who knowingly or intentionally performs an
 6 abortion ~~not expressly provided for in~~ **prohibited by section 1** of this
 7 chapter commits a Level 5 felony.
- 8 (b) A physician who performs an abortion intentionally or
 9 knowingly in violation of ~~section 1(a)(1)(C)~~ **section 1(a)(5)** or 4 of this
 10 chapter commits a Class A misdemeanor.
- 11 (c) A person who knowingly or intentionally performs an abortion
 12 in violation of section 1.1 of this chapter commits a Class A infraction.
- 13 (d) A woman upon whom a partial birth abortion is performed may
 14 not be prosecuted for violating or conspiring to violate section 1(b) of
 15 this chapter.
- 16 (e) A woman upon whom a dismemberment abortion is performed
 17 may not be prosecuted for violating or conspiring to violate section 1(c)
 18 of this chapter.
- 19 SECTION 17. IC 16-50-1-3, AS AMENDED BY P.L.65-2021,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: Sec. 3. (a) The state department shall establish a
 22 statewide maternal mortality review committee to:
- 23 (1) review cases of maternal morbidity and maternal mortality;
 24 (2) determine factors contributing to maternal morbidity and
 25 maternal mortality;
 26 (3) identify public health and clinical interventions to improve
 27 systems of care and enhance coordination; and
 28 (4) develop strategies for the prevention of maternal morbidity
 29 and maternal mortality;
 30 in Indiana.
- 31 (b) The statewide maternal mortality review committee:
 32 (1) shall review cases involving the death of a woman occurring
 33 during pregnancy, irrespective of the duration and site of the
 34 pregnancy, through one (1) year after the pregnancy; ~~and~~
 35 (2) **shall study how changes in the state's abortion laws affect**
 36 **maternal mortality in Indiana; and**
 37 (3) may review cases of maternal morbidity;
 38 to carry out the duties set forth in this chapter.
- 39 SECTION 18. IC 16-50-1-12, AS AMENDED BY P.L.65-2021,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 12. This article expires ~~June 30, 2025;~~ **June 30,**
 42 **2027.**



1 SECTION 19. IC 25-22.5-8-6, AS ADDED BY P.L.173-2017,
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 SEPTEMBER 1, 2022]: Sec. 6. (a) As used in this section, "abortion"
 4 has the meaning set forth in IC 16-18-2-1.

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

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

11 (2) performed an abortion in violation of ~~IC 16-34-2-7(a) through~~
 12 ~~IC 16-34-2-7(e)~~ **IC 16-34-2** with the intent to avoid the
 13 requirements of IC 16-34-2.

14 SECTION 20. IC 27-8-33-1, AS ADDED BY P.L.193-2011,
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 SEPTEMBER 1, 2022]: Sec. 1. As used in this chapter, "abortion"
 17 ~~means the termination of human pregnancy with an intention other than~~
 18 ~~to produce a live birth or to remove a dead fetus.~~ **has the meaning set**
 19 **forth in IC 16-18-2-1.**

20 SECTION 21. IC 27-8-33-4, AS ADDED BY P.L.193-2011,
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 SEPTEMBER 1, 2022]: Sec. 4. A qualified health plan offered under
 23 Subtitle D of Title 1 of the federal Patient Protection and Affordable
 24 Care Act may not provide coverage for abortion, except ~~in the~~
 25 ~~following cases:~~

26 (1) ~~The pregnant woman became pregnant through an act of rape~~
 27 ~~or incest.~~

28 (2) ~~An when an~~ abortion is necessary to avert the pregnant
 29 ~~woman's death or a substantial and irreversible impairment of a~~
 30 ~~major bodily function of the pregnant woman.~~ **permitted under**
 31 **IC 16-34-2-1.**

32 SECTION 22. IC 27-13-7-7.5, AS ADDED BY P.L.124-2014,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 SEPTEMBER 1, 2022]: Sec. 7.5. (a) A health maintenance
 35 organization that provides coverage for basic health care services and
 36 that is entered into, delivered, amended, or renewed after December 31,
 37 2014, under a group contract or an individual contract may not provide
 38 coverage for abortion **unless the abortion is permitted under**
 39 **IC 16-34-2-1.** ~~except in the following cases:~~

40 (1) ~~The pregnant woman became pregnant through an act of rape~~
 41 ~~or incest.~~

42 (2) ~~An abortion is necessary to avert the pregnant woman's death~~



1 or a substantial and irreversible impairment of a major bodily
2 function of the pregnant woman.

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

7 SECTION 23. IC 35-31.5-2-132, AS AMENDED BY P.L.158-2013,
8 SECTION 370, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE SEPTEMBER 1, 2022]: Sec. 132. "Fetus" for purposes
10 of ~~IC 35-42-1-4~~, has the meaning set forth in ~~IC 35-42-1-4(a)~~.
11 **IC 16-18-2-128.7.**

12 SECTION 24. IC 35-41-3-12 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE SEPTEMBER 1, 2022]: **Sec. 12. (a) It is a defense to**
15 **any crime involving the death of or injury to a fetus that the**
16 **defendant was a pregnant woman who committed the unlawful act**
17 **with the intent to terminate her pregnancy.**

18 (b) **Except as provided in subsection (c), it is a defense to any**
19 **crime involving the death of or injury to a fetus that the mother of**
20 **the fetus requested that the defendant terminate her pregnancy,**
21 **and that the death or injury to the fetus was the result of the**
22 **defendant's termination or attempted termination of her**
23 **pregnancy.**

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

- 25 (1) **performing an unlawful abortion under IC 16-34-2-7; or**
26 (2) **feticide (IC 35-42-1-6).**

27 SECTION 25. IC 35-42-1-4, AS AMENDED BY P.L.203-2018,
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 SEPTEMBER 1, 2022]: Sec. 4. (a) ~~As used in this section, "fetus"~~
30 ~~means a fetus in any stage of development.~~

31 ~~(b) (a) A person who kills another human being while committing~~
32 ~~or attempting to commit:~~

- 33 (1) a Level 5 or Level 6 felony that inherently poses a risk of
34 serious bodily injury;
35 (2) a Class A misdemeanor that inherently poses a risk of serious
36 bodily injury; or
37 (3) battery;

38 ~~commits involuntary manslaughter, a Level 5 felony.~~

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

- 41 (1) a Level 5 or Level 6 felony that inherently poses a risk of
42 serious bodily injury;



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

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

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

6 commits involuntary manslaughter, a Level 5 felony.

7 SECTION 26. IC 35-42-1-6, AS AMENDED BY P.L.203-2018,
8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 SEPTEMBER 1, 2022]: Sec. 6. (a) **This section does not apply to:**

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

11 (2) **a person who in good faith provides medical treatment to**
12 **a pregnant woman that results in the accidental or**
13 **unintentional termination of the pregnancy; or**

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

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

22 SECTION 27. IC 35-46-5-1.5, AS ADDED BY P.L.213-2016,
23 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 SEPTEMBER 1, 2022]: Sec. 1.5. (a) ~~As used in this section, "aborted"~~
25 ~~means the termination of human pregnancy with an intention other than~~
26 ~~to produce a live birth or to remove a dead fetus. The term includes~~
27 ~~abortions by surgical procedures and by abortion inducing drugs.~~

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

31 (c) (b) This section does not apply to the proper medical disposal of
32 fetal tissue.

33 (d) (c) A person who intentionally acquires, receives, sells, or
34 transfers fetal tissue commits unlawful transfer of fetal tissue, a Level
35 5 felony.

36 (e) (d) A person may not alter the timing, method, or procedure used
37 to terminate a pregnancy for the purpose of obtaining or collecting fetal
38 tissue. A person who violates this subsection commits the unlawful
39 collection of fetal tissue, a Level 5 felony.

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



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 1(ss), has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, after "drugs." insert "**The termination of a pregnancy described in subdivision (3) is subject to the reporting requirements of IC 16-34-2-5.**".

Page 8, delete lines 33 through 42, begin a new line block indented and insert:

"(6) Any of the following apply:

(A) The physician determines, based on reasonable medical judgment, that an abortion is necessary to prevent a substantial permanent impairment of the life of the pregnant woman.

(B) If the pregnant woman is less than sixteen (16) years of age, the:

(i) pregnancy was the result of rape or incest;

(ii) postfertilization age of the fetus is less than twelve (12) weeks; and

(iii) pregnant woman provides the physician with an affidavit, signed by the woman under penalties of perjury, attesting to the rape or incest. The physician shall place the affidavit in the woman's permanent health record. The affidavit provided under this item is confidential.

(C) If the pregnant woman is at least sixteen (16) years of age, the:

(i) pregnancy was the result of rape or incest;

(ii) postfertilization age of the fetus is less than eight (8) weeks; and

(iii) pregnant woman provides the physician with an affidavit, signed by the woman under penalties of perjury, attesting to the rape or incest. The physician shall place the affidavit in the woman's permanent health record. The affidavit provided under this item is confidential."

Page 9, delete line 1.

Page 11, line 18, delete "section 1(b) or" and insert "**section 1 of**".



Page 11, line 19, delete "1(c) of".
and when so amended that said bill do pass.

(Reference is to SB 1(ss) as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 5.

SENATE MOTION

Madam President: I move that Senate Bill 1(ss) be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-6-2-1.1, AS AMENDED BY P.L.205-2013, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2022]: Sec. 1.1. **(a) As used in this section, "categorically refusing to enforce" means a blanket refusal to enforce one (1) or more specified laws. The term includes the refusal to enforce a specified law unless certain conditions are met. The term does not include the refusal to enforce a law in one (1) or more particular instances, if the determination not to enforce the specified law is based on an individual investigation of the facts and circumstances of each particular case.**

(b) The attorney general has concurrent jurisdiction with the prosecuting attorney in the prosecution of the following:

- (1) Actions in which a person is accused of committing, while a member of an unlawful assembly as defined in IC 35-45-1-1, a homicide (IC 35-42-1).
- (2) Actions in which a person is accused of assisting a criminal (IC 35-44.1-2-5), if the person alleged to have been assisted is a person described in subdivision (1).
- (3) Actions in which a sheriff is accused of any offense that involves a failure to protect the life of a prisoner in the sheriff's custody.
- (4) Actions in which a violation of IC 2-8.2-4-6 (concerning constitutional convention delegates) has occurred.



(5) Any violation of a criminal law if the prosecuting attorney is categorically refusing to enforce this law."

Renumber all SECTIONS consecutively.

(Reference is to SB 1(ss) as printed July 27, 2022.)

FREEMAN

SENATE MOTION

Madam President: I move that Senate Bill 1(ss) be amended to read as follows:

Page 10, between lines 28 and 29, begin a new paragraph and insert: "SECTION 13. IC 16-34-2-4, AS AMENDED BY P.L.218-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2022]: Sec. 4. **(a) This section does not apply to a minor who is less than eighteen (18) years of age who:**

- (1) is pregnant as a result of rape or incest by a parent, legal guardian, or custodian of the unemancipated minor; and**
- (2) provides the physician with an affidavit, signed under the penalties of perjury, attesting to the rape or incest.**

~~(a)~~ **(b)** No physician shall perform an abortion on an unemancipated pregnant minor less than eighteen (18) years of age without first having obtained from one (1) of the parents, a legal guardian, or a custodian accompanying the unemancipated pregnant minor:

- (1) the notarized written consent of the parent, legal guardian, or custodian of the unemancipated pregnant minor;
- (2) government issued proof of identification of the parent or the legal guardian or custodian of the unemancipated pregnant minor; and
- (3) some evidence, which may include identification or other written documentation that provides an articulable basis for a reasonably prudent person to believe that the person is the parent or legal guardian or custodian of the unemancipated pregnant minor.

The physician shall keep records of the documents required under this subsection in the unemancipated pregnant minor's medical file for at least seven (7) years.

~~(b)~~ **(c)** A minor:

- (1) who objects to having to obtain the written consent of her parent or legal guardian or custodian under this section; or

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(2) whose parent or legal guardian or custodian refuses to consent to an abortion;

may petition, on her own behalf or by next friend, the juvenile court in the county in which the pregnant minor resides or in which the abortion is to be performed, for a waiver of the parental consent requirement under subsection ~~(a)~~ **(b)** and the parental notification requirement under subsection ~~(d)~~ **(e)**. A next friend may not be a physician or provider of abortion services, representative of the physician or provider, or other person that may receive a direct financial benefit from the performance of an abortion.

~~(e)~~ **(d)** A physician who feels that compliance with the parental consent requirement in subsection ~~(a)~~ **(b)** would have an adverse effect on the welfare of the pregnant minor or on her pregnancy may petition the juvenile court within twenty-four (24) hours of the abortion request for a waiver of the parental consent requirement under subsection ~~(a)~~ **(b)** and the parental notification requirement under subsection ~~(d)~~ **(e)**.

~~(d)~~ **(e)** Unless the juvenile court finds that it is in the best interests of an unemancipated pregnant minor to obtain an abortion without parental notification following a hearing on a petition filed under subsection ~~(b)~~ **(c)** or ~~(e)~~ **(d)**, a parent, legal guardian, or custodian of a pregnant unemancipated minor is entitled to receive notice of the emancipated minor's intent to obtain an abortion before the abortion is performed on the unemancipated pregnant minor. The attorney representing the unemancipated pregnant minor shall serve the notice required by this subsection by certified mail or by personal service and provide the court with documentation of the attorney's good faith effort to serve the notice, including any return receipt for a certified mailing. The court shall retain the documentation provided in the confidential records of the waiver proceedings held under this section.

~~(e)~~ **(f)** The juvenile court must rule on a petition filed by a pregnant minor under subsection ~~(b)~~ **(c)** or by her physician under subsection ~~(e)~~ **(d)** within forty-eight (48) hours of the filing of the petition. Before ruling on the petition, the court shall consider the concerns expressed by the pregnant minor and her physician. The requirement of parental consent under this section shall be waived by the juvenile court if the court finds that the minor is mature enough to make the abortion decision independently or that an abortion would be in the minor's best interests. The juvenile court shall waive the requirement of parental notification under subsection ~~(d)~~ **(e)** if the court finds that obtaining an abortion without parental notification is in the best interests of the unemancipated pregnant minor. If the juvenile court does not find that obtaining an abortion without parental notification is in the best



interests of the unemancipated pregnant minor, the court shall, subject to an appeal under subsection ~~(g)~~, **(h)**, order the attorney representing the unemancipated pregnant minor to serve the notice required under subsection ~~(d)~~, **(e)**.

~~(f)~~ **(g)** Unless the juvenile court finds that the pregnant minor is already represented by an attorney, the juvenile court shall appoint an attorney to represent the pregnant minor in a waiver proceeding brought by the minor under subsection ~~(b)~~, **(c)** and on any appeals. The cost of legal representation appointed for the minor under this section shall be paid by the county.

~~(g)~~ **(h)** A minor or the minor's physician who desires to appeal an adverse judgment of the juvenile court in a waiver proceeding under subsection ~~(b)~~, **(c)** or ~~(c)~~, **(d)** is entitled to an expedited appeal, under rules to be adopted by the supreme court.

~~(h)~~ **(i)** All records of the juvenile court and of the supreme court or the court of appeals that are made as a result of proceedings conducted under this section are confidential.

~~(i)~~ **(j)** A minor who initiates legal proceedings under this section is exempt from the payment of filing fees.

~~(j)~~ **(k)** This section does not apply where there is an emergency need for a medical procedure to be performed to avert the pregnant minor's death or a substantial and irreversible impairment of a major bodily function of the pregnant minor, and the attending physician certifies this in writing.

~~(k)~~ **(l)** A physician receiving parental consent under subsection ~~(a)~~, **(b)** shall execute an affidavit for inclusion in the unemancipated pregnant minor's medical record. The affidavit must contain the following information:

- (1) The physician's name.
- (2) Certification that, to the physician's best information and belief, a reasonable person under similar circumstances would rely on the information provided by the unemancipated pregnant minor and the unemancipated pregnant minor's parent or legal guardian or custodian as sufficient evidence of identity and relationship.
- (3) The physician's signature.

~~(l)~~ **(m)** A person who, with intent to avoid the parental notification requirements described in subsection ~~(a)~~, **(b)**, falsely claims to be the parent or legal guardian or custodian of an unemancipated pregnant minor by:

- (1) making a material misstatement while purportedly providing the written consent described in subsection ~~(a)(1)~~, **(b)(1)**; or



(2) providing false or fraudulent identification to meet the requirement described in subsection ~~(a)(2)~~; **(b)(2)**; commits a Level 6 felony."

Renumber all SECTIONS consecutively.

(Reference is to SB 1(ss) as printed July 27, 2022.)

LANANE

SENATE MOTION

Madam President: I move that Senate Bill 1(ss) be amended to read as follows:

Page 12, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 15. IC 16-50-1-3, AS AMENDED BY P.L.65-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The state department shall establish a statewide maternal mortality review committee to:

- (1) review cases of maternal morbidity and maternal mortality;
- (2) determine factors contributing to maternal morbidity and maternal mortality;
- (3) identify public health and clinical interventions to improve systems of care and enhance coordination; and
- (4) develop strategies for the prevention of maternal morbidity and maternal mortality;

in Indiana.

(b) The statewide maternal mortality review committee:

- (1) shall review cases involving the death of a woman occurring during pregnancy, irrespective of the duration and site of the pregnancy, through one (1) year after the pregnancy; ~~and~~
- (2) shall study how changes in the state's abortion laws affect maternal mortality in Indiana; and**
- (3) may review cases of maternal morbidity;**

to carry out the duties set forth in this chapter.

SECTION 16. IC 16-50-1-12, AS AMENDED BY P.L.65-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2023]; Sec. 12. This article expires ~~June 30, 2025~~: **June 30, 2027**."

Renumber all SECTIONS consecutively.

(Reference is to SB 1(ss) as printed July 27, 2022.)

BREAUX

SENATE MOTION

Madam President: I move that Senate Bill 1(ss) be amended to read as follows:

Page 9, line 3, delete "an" and insert "**a notarized**".

Page 9, line 7, delete "The affidavit provided under this item is".

Page 9, delete line 8.

Page 9, line 14, delete "an" and insert "**a notarized**".

Page 9, line 18, delete "The affidavit provided under this item is".

Page 9, delete line 19.

(Reference is to SB 1(ss) as printed July 27, 2022.)

BROWN L

