

# SENATE BILL No. 256

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-289.5; IC 16-21; IC 16-31-6.5-2; IC 25-1-9.8-10; IC 25-36.1-2-1; IC 27-1-46-10; IC 27-2-25-11.

**Synopsis:** Licensure of pregnancy resource centers. Requires the licensure of pregnancy resource centers. Requires pregnancy resource centers to disclose specified information to patients.

**Effective:** July 1, 2023.

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January 11, 2023, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 123rd General Assembly (2023)

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. 256

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 16-18-2-289.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: **Sec. 289.5. (a) "Pregnancy resource**  
4 **center", for purposes of IC 16-21-2, means a facility that solely**  
5 **provides pregnancy health care services, including:**

6 (1) **pregnancy testing;**  
7 (2) **counseling;**  
8 (3) **the performance of an ultrasound; and**  
9 (4) **other pregnancy related health care services;**  
10 **to women who are pregnant or could be pregnant.**

11 (b) **The term does not include a health care facility that is**  
12 **already licensed by the federal government or the state.**

13 SECTION 2. IC 16-21-1-7, AS AMENDED BY P.L.179-2022(ss),  
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2023]: Sec. 7. The executive board may adopt rules under  
16 IC 4-22-2 necessary to protect the health, safety, rights, and welfare of  
17 patients, including the following:



1 (1) Rules pertaining to the operation and management of  
 2 hospitals, ambulatory outpatient surgical centers, ~~and~~ birthing  
 3 centers, **and pregnancy resource centers.**

4 (2) Rules establishing standards for equipment, facilities, and  
 5 staffing required for efficient and quality care of patients.

6 SECTION 3. IC 16-21-2-1, AS AMENDED BY P.L.179-2022(ss),  
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2023]: Sec. 1. (a) Except as provided in subsection (b), this  
 9 chapter applies to all hospitals, ambulatory outpatient surgical centers,  
 10 ~~and~~ birthing centers, **and pregnancy resource centers.**

11 (b) This chapter does not apply to a hospital operated by the federal  
 12 government.

13 (c) This chapter does not affect a statute pertaining to the placement  
 14 and adoption of children.

15 SECTION 4. IC 16-21-2-2, AS AMENDED BY P.L.179-2022(ss),  
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2023]: Sec. 2. The state department shall license and regulate:

18 (1) hospitals;

19 (2) ambulatory outpatient surgical centers; ~~and~~

20 (3) birthing centers; **and**

21 **(4) pregnancy resource centers.**

22 SECTION 5. IC 16-21-2-2.5, AS AMENDED BY P.L.179-2022(ss),  
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2023]: Sec. 2.5. (a) The state department shall adopt rules  
 25 under IC 4-22-2 to do the following concerning birthing centers,  
 26 **pregnancy resource centers**, and other facilities as specified:

27 (1) Establish minimum license qualifications.

28 (2) Establish the following requirements:

29 (A) Sanitation standards.

30 (B) Staff qualifications.

31 (C) Necessary emergency equipment.

32 (D) Procedures to provide emergency care.

33 (E) Procedures to monitor patients after the administration of  
 34 anesthesia.

35 (F) Procedures to provide follow-up care for patient  
 36 complications.

37 (G) Quality assurance standards.

38 (H) Infection control.

39 (I) Provision of informed consent brochures, as described in  
 40 IC 16-34-2-1.5, to hospitals and ambulatory outpatient surgical  
 41 centers in English, Spanish, and a third language determined  
 42 by the state department.



- 1 (J) Provision of a hotline telephone number that provides  
 2 assistance for patients who are:  
 3 (i) coerced into an abortion; or  
 4 (ii) victims of sex trafficking.  
 5 (K) Annual training by law enforcement officers on identifying  
 6 and assisting women who are:  
 7 (i) coerced into an abortion; or  
 8 (ii) victims of sex trafficking.  
 9 (3) Prescribe the operating policies, supervision, and maintenance  
 10 of medical records, including the requirement that all forms that  
 11 require a patient signature be stored in the patient's medical  
 12 record.  
 13 (4) Establish procedures for the issuance, renewal, denial, and  
 14 revocation of licenses under this chapter. The rules adopted under  
 15 this subsection must address the following:  
 16 (A) The form and content of the license.  
 17 (B) The collection of an annual license fee.  
 18 (5) Prescribe the procedures and standards for inspections.  
 19 (6) Prescribe procedures for:  
 20 (A) implementing a plan of correction to address any  
 21 violations of any provision of this chapter or any rules adopted  
 22 under this chapter; and  
 23 (B) implementing a system for the state department to follow  
 24 if the birthing center fails to comply with the plan of correction  
 25 described in clause (A) and disciplinary action is needed.  
 26 (b) A person who knowingly or intentionally:  
 27 (1) operates a birthing center **or pregnancy resource center** that  
 28 is not licensed under this chapter; or  
 29 (2) advertises the operation of a birthing center **or pregnancy**  
 30 **resource center** that is not licensed under this chapter;  
 31 commits a Class A misdemeanor.  
 32 SECTION 6. IC 16-21-2-10, AS AMENDED BY P.L. 179-2022(ss),  
 33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2023]: Sec. 10. A:  
 35 (1) person;  
 36 (2) state, county, or local governmental unit; or  
 37 (3) division, a department, a board, or an agency of a state,  
 38 county, or local governmental unit;  
 39 must obtain a license from the state health commissioner under  
 40 IC 4-21.5-3-5 before establishing, conducting, operating, or  
 41 maintaining a hospital, an ambulatory outpatient surgical center, ~~or~~ a  
 42 birthing center, **or a pregnancy resource center.**



1 SECTION 7. IC 16-21-2-11, AS AMENDED BY P.L.179-2022(ss),  
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2023]: Sec. 11. (a) An applicant must submit an application  
 4 for a license on a form prepared by the state department showing that:

- 5 (1) the applicant is of reputable and responsible character;  
 6 (2) the applicant is able to comply with the minimum standards  
 7 for a hospital, an ambulatory outpatient surgical center, ~~or~~ a  
 8 birthing center, **or a pregnancy resource center** and with rules  
 9 adopted under this chapter; and  
 10 (3) the applicant has complied with section 15.4 of this chapter.

11 (b) The application must contain the following additional  
 12 information:

- 13 (1) The name of the applicant.  
 14 (2) The type of institution to be operated.  
 15 (3) The location of the institution.  
 16 (4) The name of the person to be in charge of the institution.  
 17 (5) If the applicant is a hospital, the range and types of services to  
 18 be provided under the general hospital license, including any  
 19 service that would otherwise require licensure by the state  
 20 department under the authority of IC 16-19.  
 21 (6) Other information the state department requires.

22 (c) If the department of state revenue notifies the department that a  
 23 person is on the most recent tax warrant list, the department shall not  
 24 issue or renew the person's license until:

- 25 (1) the person provides to the department a statement from the  
 26 department of state revenue that the person's tax warrant has been  
 27 satisfied; or  
 28 (2) the department receives a notice from the commissioner of the  
 29 department of state revenue under IC 6-8.1-8-2(k).

30 SECTION 8. IC 16-21-2-14, AS AMENDED BY P.L.179-2022(ss),  
 31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 14. A license to operate a hospital, an ambulatory  
 33 outpatient surgical center, ~~or~~ a birthing center, **or a pregnancy**  
 34 **resource center:**

- 35 (1) expires:  
 36 (A) one (1) year after the date of issuance for:  
 37 (i) an ambulatory outpatient surgical center; ~~and~~  
 38 (ii) a birthing center; and  
 39 **(iii) a pregnancy resource center; and**  
 40 (B) beginning May 1, 2020, two (2) years after the date of  
 41 issuance for a hospital;  
 42 (2) is not assignable or transferable;



- 1 (3) is issued only for the premises named in the application;  
 2 (4) must be posted in a conspicuous place in the facility; and  
 3 (5) may be renewed each year, or every two (2) years for a  
 4 hospital, upon the payment of a renewal fee at the rate adopted by  
 5 the state department under IC 4-22-2.

6 SECTION 9. IC 16-21-2-16, AS AMENDED BY P.L.179-2022(ss),  
 7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2023]: Sec. 16. A hospital, an ambulatory outpatient surgical  
 9 center, ~~or~~ a birthing center, **or a pregnancy resource center** that  
 10 provides to a patient notice concerning a third party billing for a service  
 11 provided to the patient shall ensure that the notice:

- 12 (1) conspicuously states that the notice is not a bill;  
 13 (2) does not include a tear-off portion; and  
 14 (3) is not accompanied by a return mailing envelope.

15 SECTION 10. IC 16-21-2-18 IS ADDED TO THE INDIANA  
 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2023]: **Sec. 18. Before a pregnancy resource**  
 18 **center may provide a health care service to a patient, the**  
 19 **pregnancy resource center must disclose orally and in writing the**  
 20 **following to the patient:**

- 21 **(1) Whether the individual providing the health care service**  
 22 **to the patient is a licensed health care provider, and if so, the**  
 23 **type of licensure the individual holds.**  
 24 **(2) Whether the service being provided to the patient by the**  
 25 **pregnancy resource center is reimbursable by the patient's**  
 26 **health care insurance.**  
 27 **(3) If the patient is a Medicaid recipient under IC 12-15,**  
 28 **whether:**  
 29 **(A) the pregnancy resource center or the health care**  
 30 **provider providing the health care service to the individual**  
 31 **is a Medicaid provider; and**  
 32 **(B) the health care service being provided is covered by the**  
 33 **Medicaid program, including any Medicaid waivers.**

34 SECTION 11. IC 16-31-6.5-2, AS AMENDED BY  
 35 P.L.179-2022(ss), SECTION 16, IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. This chapter does not  
 37 apply to the following:

- 38 (1) A licensed physician.  
 39 (2) A hospital, an ambulatory outpatient surgical center, ~~or~~  
 40 a birthing center, **or a pregnancy resource center.**  
 41 (3) A person providing health care in a hospital, an ambulatory  
 42 outpatient surgical center, ~~or~~ a birthing center, **or a pregnancy**



- 1           **resource center** licensed under IC 16-21.  
 2           (4) A person or entity certified under IC 16-31-3.  
 3           SECTION 12. IC 25-1-9.8-10, AS AMENDED BY  
 4 P.L.179-2022(ss), SECTION 40, IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) As used in this  
 6 chapter, "provider facility" means any of the following:  
 7           (1) A hospital licensed under IC 16-21-2.  
 8           (2) An ambulatory outpatient surgical center licensed under  
 9 IC 16-21-2.  
 10           (3) A birthing center licensed under IC 16-21-2.  
 11           **(4) A pregnancy resource center licensed under IC 16-21-2.**  
 12           ~~(4)~~ **(5)** Except for an urgent care facility (as defined by  
 13 IC 27-1-46-10.5), a facility that provides diagnostic services to  
 14 the medical profession or the general public.  
 15           ~~(5)~~ **(6)** A laboratory where clinical pathology tests are carried out  
 16 on specimens to obtain information about the health of a patient.  
 17           ~~(6)~~ **(7)** A facility where radiologic and electromagnetic images are  
 18 made to obtain information about the health of a patient.  
 19           ~~(7)~~ **(8)** An infusion center that administers intravenous  
 20 medications.  
 21           (b) The term does not include the following:  
 22           (1) A private mental health institution licensed under IC 12-25.  
 23           (2) A Medicare certified, freestanding rehabilitation hospital.  
 24           SECTION 13. IC 25-36.1-2-1, AS AMENDED BY  
 25 P.L.179-2022(ss), SECTION 42, IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. As used in this  
 27 chapter, "health care facility" means the following:  
 28           (1) A hospital that is licensed under IC 16-21-2.  
 29           (2) An ambulatory outpatient surgical center licensed under  
 30 IC 16-21-2.  
 31           (3) A birthing center licensed under IC 16-21-2.  
 32           **(4) A pregnancy resource center licensed under IC 16-21-2.**  
 33           SECTION 14. IC 27-1-46-10, AS AMENDED BY  
 34 P.L.179-2022(ss), SECTION 43, IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) As used in this  
 36 chapter, "provider facility" means any of the following:  
 37           (1) A hospital licensed under IC 16-21-2.  
 38           (2) An ambulatory outpatient surgical center licensed under  
 39 IC 16-21-2.  
 40           (3) A birthing center licensed under IC 16-21-2.  
 41           **(4) A pregnancy resource center licensed under IC 16-21-2.**  
 42           ~~(4)~~ **(5)** Except for an urgent care facility, a facility that provides



1 diagnostic services to the medical profession or the general  
2 public, including outpatient facilities.

3 ~~(5)~~ (6) A laboratory where clinical pathology tests are carried out  
4 on specimens to obtain information about the health of a patient.

5 ~~(6)~~ (7) A facility where radiologic and electromagnetic images are  
6 made to obtain information about the health of a patient.

7 ~~(7)~~ (8) An infusion center that administers intravenous  
8 medications.

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

10 (1) A private mental health institution licensed under IC 12-25.

11 (2) A Medicare certified, freestanding rehabilitation hospital.

12 SECTION 15. IC 27-2-25-11, AS AMENDED BY  
13 P.L.179-2022(ss), SECTION 44, IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. As used in this  
15 chapter, "provider facility" means any of the following:

16 (1) A hospital licensed under IC 16-21-2.

17 (2) An ambulatory outpatient surgical center licensed under  
18 IC 16-21-2.

19 (3) A birthing center licensed under IC 16-21-2.

20 **(4) A pregnancy resource center licensed under IC 16-21-2.**

21 ~~(4)~~ (5) Except for an urgent care facility (as defined by  
22 IC 27-1-46-10.5), a facility that provides diagnostic services to  
23 the medical profession or the general public.

24 ~~(5)~~ (6) A laboratory where clinical pathology tests are carried out  
25 on specimens to obtain information about the health of a patient.

26 ~~(6)~~ (7) A facility where radiologic and electromagnetic images are  
27 made to obtain information about the health of a patient.

28 ~~(7)~~ (8) An infusion center that administers intravenous  
29 medications.

30 SECTION 16. [EFFECTIVE JULY 1, 2023] **(a) Notwithstanding**  
31 **IC 16-21-2-10, as amended by this act, a pregnancy resource center**  
32 **(as defined in IC 16-18-2-289.5) operating before July 1, 2023, must**  
33 **be licensed by the state not later than September 1, 2023. The**  
34 **Indiana department of health shall have the licensing of pregnancy**  
35 **resource centers operational not later than August 1, 2023.**

36 **(b) This SECTION expires October 1, 2023.**

