

# SENATE BILL No. 309

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-2.1-1-1; IC 2-2.1-1.3.

**Synopsis:** Abortion. Provides that the general assembly shall convene in an "initiated session" to consider legislation to restrict abortion if either of the following occurs: (1) the Supreme Court of the United States overrules the central holding of *Roe v. Wade*, *Doe v. Bolton*, or *Planned Parenthood of Southeastern Pennsylvania v. Casey* and clearly establishes that a state may prohibit abortion; (2) the Supreme Court of the United States affirms the 15 week abortion ban in *Dobbs v. Jackson Women's Health Organization*; or (3) an amendment to the Constitution of the United States is adopted that in whole or part clearly establishes that a state may prohibit abortion. Provides that an initiated session may not continue for more than 20 calendar days. Requires the attorney general to make an announcement and notify the governor and members of the general assembly concerning the decision from the Supreme Court of the United States involving *Dobbs v. Jackson Women's Health Organization*, *Roe v. Wade*, or the amendment to the Constitution of the United States.

**Effective:** Upon passage.

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January 12, 2022, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 309

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 2-2.1-1-1, AS AMENDED BY P.L.64-2021,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 1. The following definitions apply throughout  
4 this chapter:  
5 (1) "Bill" includes a bill and a joint resolution.  
6 (2) "Term of the general assembly" means that two (2) year period  
7 of time extending from the first Wednesday after the first Monday  
8 in November of any even-numbered year until, but not including,  
9 the first Wednesday after the first Monday in November of the  
10 next even-numbered year.  
11 (3) "Session" refers to any of the following:  
12 (A) A regular session of the general assembly.  
13 (B) A regular technical session of the general assembly.  
14 (C) An emergency session of the general assembly convened  
15 under IC 2-2.1-1.2.  
16 (D) A special session of the general assembly.  
17 (E) **An initiated session of the general assembly under**



1 **IC 2-2.1-1.3.**

2 (4) "Special session" means that period of time during which the  
3 general assembly is convened in session upon the proclamation  
4 and call of the governor under Article 4, Section 9 of the  
5 Constitution of the State of Indiana.

6 SECTION 2. IC 2-2.1-1.3 IS ADDED TO THE INDIANA CODE  
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]:

9 **Chapter 1.3. Initiated Sessions**

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

- 12 (1) **The date that the Supreme Court of the United States:**  
13 (A) **overrules, in whole or part, the central holding in Roe**  
14 **v. Wade, 410 U.S. 113 (1973), Doe v. Bolton, 410 U.S. 179**  
15 **(1973), or Planned Parenthood of Southeastern**  
16 **Pennsylvania v. Casey, 505 U.S. 833 (1992); and**  
17 (B) **clearly establishes that a state may prohibit abortion or**  
18 **restrict abortion more than under Indiana law.**  
19 (2) **The date that the Supreme Court of the United States:**  
20 (A) **affirms the fifteen (15) week abortion ban that is the**  
21 **subject of Dobbs v. Jackson Women's Health**  
22 **Organization; and**  
23 (B) **clearly establishes that a state may prohibit abortion**  
24 **after fifteen (15) weeks of pregnancy.**  
25 (3) **The date that an amendment to the Constitution of the**  
26 **United States is adopted that clearly establishes that a state**  
27 **may prohibit abortion.**

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

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

- 33 (1) **For the house of representatives, the speaker of the house.**  
34 (2) **For the senate, the president pro tempore of the senate.**

35 **Sec. 4. The attorney general shall issue an announcement and**  
36 **inform the governor and members of the general assembly when:**

- 37 (1) **the Supreme Court of the United States:**  
38 (A) **overrules, in whole or part, the central holding in Roe**  
39 **v. Wade, 410 U.S. 113 (1973), Doe v. Bolton, 410 U.S. 179**  
40 **(1973), or Planned Parenthood of Southeastern**  
41 **Pennsylvania v. Casey, 505 U.S. 833 (1992); and**  
42 (B) **clearly establishes that a state may prohibit abortion;**



- 1           **(2) the Supreme Court of the United States:**  
2           **(A) affirms the fifteen (15) week abortion ban that is the**  
3           **subject of Dobbs v. Jackson Women's Health**  
4           **Organization; and**  
5           **(B) clearly establishes that a state may prohibit abortion**  
6           **after fifteen (15) weeks of pregnancy; or**  
7           **(3) an amendment to the Constitution of the United States is**  
8           **adopted that clearly establishes that a state may prohibit**  
9           **abortion or restrict abortion more than under current**  
10           **Indiana law.**  
11           **Sec. 5. (a) Within fourteen (14) days of the decision date, the**  
12           **presiding officers shall issue a joint order for an initiated session**  
13           **to convene within thirty (30) calendar days of the joint order to**  
14           **specifically consider legislation to prohibit abortion or restrict**  
15           **abortion more than under current Indiana law as set forth by the**  
16           **Supreme Court of the United States or an amendment to the**  
17           **Constitution of the United States.**  
18           **(b) The presiding officers each shall convene their respective**  
19           **houses on the date stated in the joint order.**  
20           **(c) An initiated session may continue for not more than twenty**  
21           **(20) calendar days following the date upon which the session is**  
22           **convened.**  
23           **SECTION 3. An emergency is declared for this act.**

