
HOUSE BILL No. 1246

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-267.5; IC 16-34-2-1.

Synopsis: Partial birth abortions. Redefines the term "partial birth abortion" to refer only to the dilation and extraction technique of abortion. Specifies that a partial birth abortion may be conducted to avoid substantial permanent impairment of the life or physical health of the mother.

Effective: Upon passage.

Frizzell

January 9, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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HOUSE BILL No. 1246



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 16-18-2-267.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 267.5. "Partial
3 birth abortion" means an abortion in which: ~~the person performing the~~
4 ~~abortion partially vaginally delivers~~

5 (1) a living fetus before killing the fetus and completing the
6 delivery; **is removed intact from the uterus until only the head**
7 **remains in the uterus;**

8 (2) **all or part of the intracranial contents of the fetus are**
9 **evacuated;**

10 (3) **the head of the fetus is compressed; and**

11 (4) **following fetal demise, the fetus is removed from the birth**
12 **canal.**

13 SECTION 2. IC 16-34-2-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Abortion
15 shall in all instances be a criminal act, except when performed under
16 the following circumstances:

17 (1) During the first trimester of pregnancy for reasons based upon



1 the professional, medical judgment of the pregnant woman's
2 physician if:

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

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

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

11 (2) After the first trimester of pregnancy and before viability, for
12 reasons based upon the professional, medical judgment of the
13 pregnant woman's physician if:

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

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

19 (3) Except as provided in subsection (b), after viability of the
20 fetus for reasons based upon the professional, medical judgment
21 of the pregnant woman's physician if:

22 (A) all the circumstances and provisions required for legal
23 abortion before viability are present and adhered to;

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

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

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

37 (1) performing the partial birth abortion is necessary to ~~save the~~
38 **mother's life avoid substantial permanent impairment of the**
39 **life or physical health of the pregnant woman;** and

40 (2) no other medical procedure is sufficient to ~~save the mother's~~
41 **life avoid substantial permanent impairment of the life or**
42 **physical health of the pregnant woman.**

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1 **SECTION 3. An emergency is declared for this act.**

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