



March 8, 2019

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## ENGROSSED SENATE BILL No. 201

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DIGEST OF SB 201 (Updated March 6, 2019 5:41 pm - DI 133)

**Citations Affected:** IC 16-34; IC 35-45.

**Synopsis:** Health provider ethical exemption. Includes: (1) nurses; (2) physician assistants; and (3) pharmacists; in the prohibition from being required to perform an abortion or assist or participate in procedures intended to result in an abortion if the health care provider objects to the procedures on ethical, moral, or religious grounds. (Current law applies only to physicians and employees.) Adds a prohibition on requiring certain providers to prescribe, administer, or dispense an abortion inducing drug.

**Effective:** July 1, 2019.

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**Brown L, Rogers, Holdman, Kruse,  
Bassler, Crane, Grooms, Tomes**  
(HOUSE SPONSORS — BACON, STUTZMAN, MAYFIELD, JUDY)

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January 3, 2019, read first time and referred to Committee on Health and Provider Services.

February 14, 2019, amended, reported favorably — Do Pass.

February 18, 2019, read second time, ordered engrossed. Engrossed.

February 19, 2019, read third time, passed. Yeas 39, nays 1.

HOUSE ACTION

February 26, 2019, read first time and referred to Committee on Public Health.

March 7, 2019, reported — Do Pass.

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ES 201—LS 6328/DI 104





March 8, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 201

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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 16-34-1-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. No:  
3 (1) physician; ~~or~~  
4 (2) **nurse**;  
5 (3) **physician assistant**;  
6 (4) **pharmacist**; or  
7 (2) (5) employee or member of the staff of a hospital or other  
8 facility in which an abortion may be performed;  
9 shall be required to perform an abortion, **to prescribe, administer, or**  
10 **dispense an abortion inducing drug**, or to assist or participate in the  
11 medical procedures resulting in or intended to result in an abortion, if  
12 that individual objects to such procedures on ethical, moral, or  
13 religious grounds.  
14 SECTION 2. IC 35-45-21-5, AS ADDED BY P.L.158-2013,  
15 SECTION 547, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The following definitions  
17 apply throughout this section:

ES 201—LS 6328/DI 104



- 1 (1) "Health care provider" refers to a health care provider (as  
 2 defined in IC 16-18-2-163(a), ~~IC 16-18-2-163(b)~~, or  
 3 ~~IC 16-18-2-163(c)~~ **IC 16-18-2-163(c)**, or **IC 16-18-2-163(d)**) or  
 4 a qualified medication aide as described in IC 16-28-1-11.  
 5 (2) "Licensed health professional" has the meaning set forth in  
 6 IC 25-23-1-27.1.  
 7 (3) "Practitioner" has the meaning set forth in IC 16-42-19-5.  
 8 However, the term does not include a veterinarian.  
 9 (4) "Prescription drug" has the meaning set forth in  
 10 IC 35-48-1-25.
- 11 (b) A person who knowingly or intentionally physically interrupts,  
 12 obstructs, or alters the delivery or administration of a prescription drug:  
 13 (1) prescribed or ordered by a practitioner for a person who is a  
 14 patient of the practitioner; and  
 15 (2) without the prescription or order of a practitioner;  
 16 commits interference with medical services, a Class A misdemeanor,  
 17 except as provided in subsection (c).  
 18 (c) An offense described in subsection (b) is:  
 19 (1) a Level 6 felony if the offense results in bodily injury;  
 20 (2) a Level 5 felony if it is committed by a person who is a  
 21 licensed health care provider or licensed health professional;  
 22 (3) a Level 4 felony if it results in serious bodily injury to the  
 23 patient; and  
 24 (4) a Level 2 felony if it results in the death of the patient.  
 25 (d) A person is justified in engaging in conduct otherwise prohibited  
 26 under this section if the conduct is performed by:  
 27 (1) a health care provider or licensed health professional who acts  
 28 in good faith within the scope of the person's practice or  
 29 employment; or  
 30 (2) a person who is rendering emergency care at the scene of an  
 31 emergency or accident in a good faith attempt to avoid or  
 32 minimize serious bodily injury to the patient.



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 201, 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, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 25.

Page 4, line 29, delete "health care provider; or" and insert "**nurse;**  
**(3) physician assistant;**  
**(4) pharmacist; or**".

Page 4, line 30, delete "(3)" and insert "(5)".

Page 4, line 32, after "abortion" insert ", **to prescribe, administer, or dispense an abortion inducing drug,**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 201 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 1.

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 COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 201 as printed February 15, 2019.)

KIRCHHOFER

Committee Vote: Yeas 9, Nays 4

