

SENATE BILL No. 236

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-1.1; IC 5-14-3-3.1; IC 16-18-2; IC 16-34; IC 34-6-2-55; IC 34-6-2.1-84; IC 34-7-7-1; IC 34-13-9; IC 34-30-2.1-218.5; IC 35-46-5-1.5.

Synopsis: Abortion inducing drugs and abortion reports. Provides that the attorney general has concurrent jurisdiction with prosecuting attorneys regarding actions concerning abortion inducing drugs. Modifies the definitions of "abortion" and "abortion inducing drug". Amends the information required to be reported to the Indiana department of health (state department) concerning the performance of an abortion and an abortion complication. Provides that a report concerning the performance of an abortion or an abortion complication is not confidential, is a public record, and shall be open to public inspection. Requires the state department to disclose these reports under Indiana's access to public records act. Requires the state department to: (1) publish the abortion complication reports on its website; and (2) send each abortion complication report to the office of the attorney general. Prohibits certain information on each form or report from being redacted. Requires the state department, if redacting: (1) a date; or (2) the age of the patient; from the form or report, to indicate on the form or report whether any applicable reporting deadline was met and whether or not the patient was a minor. Requires the state department to provide verification to the general assembly that the state department is in compliance concerning the release of these reports. Provides that an incomplete report concerning the performance

(Continued next page)

Effective: July 1, 2026.

Johnson T

January 8, 2026, read first time and referred to Committee on Judiciary.



Digest Continued

of an abortion transmitted to the state department is subject to investigation by the state department and the office of the attorney general. Provides that a person who manufactures, distributes, mails, transports, delivers, prescribes, or provides an abortion inducing drug is jointly and severally liable for: (1) the wrongful death of an unborn child or pregnant woman from the use of an abortion inducing drug; and (2) personal injury of an unborn child or pregnant woman from the use of the abortion inducing drug. Allows the mother or father of an unborn child to bring a wrongful death action for the wrongful death of the unborn child from the use of abortion inducing drugs. Provides affirmative defenses. Allows for qui tam actions against certain persons. Adds an exception for the prohibition on abortion inducing drugs.



Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

SENATE BILL No. 236

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.41-2025,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 1.1. The attorney general has concurrent
4 jurisdiction with the prosecuting attorney in the prosecution of the
5 following:

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



constitutional convention commissioners) has occurred.

(5) Actions concerning abortion inducing drugs under IC 16-34-7.

SECTION 2. IC 5-14-3-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.1. A report made under IC 16-34-2-4.7 or IC 16-34-2-5 is not confidential and is a public record as defined in section 2(r) of this chapter. It shall be open to public inspection and the Indiana department of health shall disclose the report upon a request made by any person.

SECTION 3. IC 16-18-2-1, AS AMENDED BY P.L.136-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus. The term includes abortions by surgical procedures and by abortion inducing drugs. act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman. The term does not include birth control devices or contraceptives. An act is not an abortion if the act is done with the intent to:

- (1) save the life or preserve the health of an unborn child;
- (2) remove a dead, unborn child whose death was caused by miscarriage or stillbirth; or
- (3) remove an ectopic pregnancy.

SECTION 4. IC 16-18-2-1.6, AS ADDED BY P.L.136-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.6. "Abortion inducing drug" means a medicine, drug, or substance prescribed or dispensed with the intent of terminating a clinically diagnosable pregnancy with the knowledge that the termination will, with reasonable likelihood, cause the death of the fetus. The term includes the off-label use of a drug known to have abortion inducing properties if the drug is prescribed with the intent of causing an abortion. **a drug, a medicine, or any other substance, including a regimen of two (2) or more drugs, medicines, or substances, prescribed, dispensed, or administered with the intent of terminating a clinically diagnosable pregnancy of a woman and with knowledge that the termination will, with reasonable likelihood, cause the death of the woman's unborn child. The term includes off label use of drugs, medicines, or other substances known to have abortion inducing properties that are prescribed, dispensed, or administered with the intent of causing an abortion,**



1 **including:**
2 (1) the mifepristone (Mifeprex) regimen;
3 (2) misoprostol (Cytotec); and
4 (3) methotrexate.
5 **The term does not include a drug, medicine, or other substance**
6 **that may be known to cause an abortion but is prescribed,**
7 **dispensed, or administered for other medical reasons.**
8 SECTION 5. IC 16-18-2-167, AS AMENDED BY P.L.117-2015,
9 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2026]: Sec. 167. (a) "Health facility":
11 (1) except for purposes of IC 16-28-15, means a building, a
12 structure, an institution, or other place for the reception,
13 accommodation, board, care, or treatment extending beyond a
14 continuous twenty-four (24) hour period in a week of more than
15 four (4) individuals who need or desire such services because of
16 physical or mental illness, infirmity, or impairment; **and**
17 (2) for purposes of IC 16-28-15, has the meaning set forth in
18 IC 16-28-15-3; **and**
19 **(3) for purposes of IC 16-34-7, has the meaning set forth in**
20 **IC 16-34-7-3(3).**
21 (b) The term does not include the premises used for the reception,
22 accommodation, board, care, or treatment in a household or family, for
23 compensation, of a person related by blood to the head of the
24 household or family (or to the spouse of the head of the household or
25 family) within the degree of consanguinity of first cousins.
26 (c) The term does not include any of the following:
27 (1) Hotels, motels, or mobile homes when used as such.
28 (2) Hospitals or mental hospitals, except for that part of a hospital
29 that provides long term care services and functions as a health
30 facility, in which case that part of the hospital is licensed under
31 IC 16-21-2, but in all other respects is subject to IC 16-28.
32 (3) Hospices that furnish inpatient care and are licensed under
33 IC 16-25-3.
34 (4) Institutions operated by the federal government.
35 (5) Foster family homes or day care centers.
36 (6) Schools for individuals who are deaf or blind.
37 (7) Day schools for individuals with an intellectual disability.
38 (8) Day care centers.
39 (9) Children's homes and child placement agencies.
40 (10) Offices of practitioners of the healing arts.
41 (11) Any institution in which health care services and private duty
42 nursing services are provided that is listed and certified by the



(12) Industrial clinics providing only emergency medical services or first aid for employees.

5 (13) A residential facility (as defined in IC 12-7-2-165).

6 (14) Maternity homes.

7 (15) Offices of Christian Science practitioners.

8 SECTION 6. IC 16-18-2-282, AS AMENDED BY P.L.93-2022,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2026]: Sec. 282. (a) "Physician", except as provided in
11 subsections (b), (c), and (e), means a licensed physician (as defined in
12 section 202 of this chapter).

13 (b) "Physician", for purposes of IC 16-41-12, has the meaning set
14 forth in IC 16-41-12-7.

15 (c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5,
16 means an individual who:

17 (1) was the physician last in attendance (as defined in section
18 282.2 of this chapter); or

19 (2) is licensed under IC 25-22.5.

20 (d) "Physician", for purposes of IC 16-48-1, is subject to
21 IC 16-48-1-2.

22 (e) "Physician", for purposes of IC 16-34-6, has the meaning set
23 forth in IC 16-34-6-3.

24 (f) "Physician", for purposes of IC 16-34-7, has the meaning set
25 forth in IC 16-34-7-3(4).

26 SECTION 7. IC 16-34-1-4, AS AMENDED BY P.L.218-2021,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

28 JULY 1, 2026]: Sec. 4. No:
29 (1) physician;

30 (2) nurse;

31 (3) physio

32 (4) pharmacist;

33 (5) employee on

34 in which an abortion may be performed; or
35 (6) mental health provider;

36 shall be required to perform an a

37 dispense an abortion inducing drug **in violation of IC 16-34-7**, to
38 provide advice or counsel to a pregnant woman concerning medical
39 procedures resulting in, or intended to result in, an abortion, to assist
40 or participate in medical procedures resulting in, or intended to result
41 in an abortion, or to handle or dispose of aborted remains, if that
42 individual objects to such procedures on ethical, moral, or religious



1 grounds.

2 SECTION 8. IC 16-34-2-1, AS AMENDED BY THE TECHNICAL
3 CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS
4 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:
5 Sec. 1. (a) Abortion shall in all instances be a criminal act, except when
6 performed under the following circumstances:

7 (1) Except as prohibited in IC 16-34-4, before the earlier of
8 viability of the fetus or twenty (20) weeks of postfertilization age
9 of the fetus, if:

10 (A) for reasons based upon the professional, medical judgment
11 of the pregnant woman's physician, if either:

12 (i) the abortion is necessary when reasonable medical
13 judgment dictates that performing the abortion is necessary
14 to prevent any serious health risk to the pregnant woman or
15 to save the pregnant woman's life; or

16 (ii) the fetus is diagnosed with a lethal fetal anomaly;

17 (B) the abortion is performed by the physician in a hospital
18 licensed under IC 16-21 or an ambulatory outpatient surgical
19 center (as defined in IC 16-18-2-14) that has a majority
20 ownership by a hospital licensed under IC 16-21;

21 (C) the woman submitting to the abortion has filed her consent
22 with her physician. However, if in the judgment of the
23 physician the abortion is necessary to preserve the life of the
24 woman, her consent is not required;

25 (D) the woman submitting to the abortion has filed with her
26 physician the written consent of her parent or legal guardian
27 if required under section 4 of this chapter; and

28 (E) before the abortion, the attending physician shall certify in
29 writing to the hospital or ambulatory outpatient surgical center
30 in which the abortion is to be performed, that:

31 (i) in the attending physician's reasonable medical judgment,
32 performing the abortion is necessary to prevent any serious
33 health risk to the pregnant woman or to save the pregnant
34 woman's life; or

35 (ii) the fetus has been diagnosed with a lethal fetal anomaly.

36 All facts and reasons supporting the certification shall be set
37 forth by the physician in writing and attached to the certificate.

38 However, under this article, an abortion inducing drug may not be
39 dispensed, prescribed, administered, or otherwise given to a
40 pregnant woman ~~after eight (8) weeks of postfertilization age~~
41 ~~unless the abortion inducing drug is being administered as~~
42 ~~part of an abortion authorized under this article or for the~~



1 **removal of a dead fetus due to miscarriage.** A physician must
2 dispense the abortion inducing drug in person and have the
3 pregnant woman consume the drug in the presence of the
4 physician. A physician shall examine a pregnant woman in person
5 before prescribing or dispensing an abortion inducing drug. The
6 physician shall provide the pregnant woman with a copy of the
7 manufacturer's instruction sheets and require that the pregnant
8 woman sign the manufacturer's patient agreement form. A
9 physician shall also provide, orally and in writing, along with
10 other discharge information, the following statement: "Some
11 evidence suggests that the effects of Mifepristone may be
12 avoided, ceased, or reversed if the second pill, Misoprostol, has
13 not been taken. Immediately contact the following for more
14 information at (insert applicable abortion inducing drug reversal
15 **Internet web site website** and corresponding hotline number).".
16 The physician shall retain a copy of the signed patient agreement
17 form, and the signed physician's agreement form required by the
18 manufacturer, in the patient's file. As used in this subdivision, "in
19 person" does not include the use of telehealth or telemedicine
20 services.

23 (A) the pregnancy is a result of rape or incest;

(B) all the circumstances and provisions required for legal abortion set forth in subdivision (1)(C) through (1)(D) are present and adhered to;

27 (C) the abortion is performed in a hospital licensed under
28 IC 16-21 or ambulatory outpatient surgical center (as defined
29 in IC 16-18-2-14) that has a majority ownership by a hospital
30 licensed under IC 16-21; and

31 (D) before the abortion, the attending physician shall certify in
32 writing to the ambulatory outpatient surgical center or hospital
33 in which the abortion is to be performed, after proper
34 examination, the abortion is being performed at the woman's
35 request because the pregnancy is the result of rape or incest.
36 All facts and reasons supporting the certification shall be set
37 forth by the physician in writing and attached to the certificate.

38 (3) Except as provided in subsection (b) or as prohibited by
39 IC 16-34-4, at the earlier of viability of the fetus or twenty (20)
40 weeks of postfertilization age and any time after, for reasons
41 based upon the professional, medical judgment of the pregnant
42 woman's physician if:



(A) based on reasonable medical judgment, performing the abortion is necessary to prevent any serious health risk to the pregnant woman or to save the pregnant woman's life;

(B) all the circumstances and provisions required for legal abortion set forth in subdivision (1)(C) through (1)(D) are present and adhered to;

(C) the abortion is performed in a hospital licensed under IC 16-21;

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

(E) before the abortion, the attending physician shall certify in writing to the hospital in which the abortion is to be performed, that in the attending physician's reasonable medical judgment, performing the abortion is necessary to prevent any serious health risk to the pregnant woman or to save the pregnant woman's life. All facts and reasons supporting the certification shall be set forth by the physician in writing and attached to the certificate.

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

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

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

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

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

(2) to save the mother's life.

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

SECTION 9. IC 16-34-2-1.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) The state department shall develop an informed consent brochure and post the informed consent brochure on the state department's Internet web site: website.

(b) The state department shall develop an informed consent brochure that includes the following:

(1) Objective scientific information concerning the probable anatomical and physiological characteristics of a fetus every two



(2) weeks of gestational age, including the following:

- (A) Realistic pictures in color for each age of the fetus, including the dimensions of the fetus.
- (B) Whether there is any possibility of the fetus surviving outside the womb.

(2) Objective scientific information concerning the medical risks associated with each abortion procedure, ~~or the use of an abortion inducing drug~~, including the following:

- (A) The risks of infection and hemorrhaging.
- (B) The potential danger:
 - (i) to a subsequent pregnancy; or
 - (ii) of infertility.

(3) Information concerning the medical risks associated with carrying the child to term.

(4) Information that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care.

(5) Information that the biological father is liable for assistance in support of the child, regardless of whether the biological father has offered to pay for an abortion.

(6) Information regarding telephone 211 dialing code services for accessing human services as described in IC 12-13-16, and the types of services that are available through this service.

(7) Information concerning Indiana's safe haven law under IC 31-34-2.5-1.

(8) Information that, under certain conditions, a pregnant woman may relinquish a child who is, or who appears to be, not more than thirty (30) days of age:

- (A) to an emergency medical services provider (as defined in IC 16-41-10-1); or
- (B) in a newborn safety device described in IC 31-34-2.5-1.

(c) In the development of the informed consent brochure described in this section, the state department shall use information and pictures that are available at no cost or nominal cost to the state department.

(d) The informed consent brochure must include the requirements specified in this chapter.

SECTION 10. IC 16-34-2-4.5, AS AMENDED BY P.L.179-2022(ss), SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.5. (a) A physician may not perform an abortion ~~including an abortion using an abortion inducing drug~~, unless the physician:

- (1) has admitting privileges in writing at a hospital located in the county where abortions are provided or in a contiguous county; or



(2) has entered into a written agreement with a physician who has written admitting privileges at a hospital in the county or contiguous county concerning the management of possible complications of the services provided.

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

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

(c) A hospital or ambulatory outpatient surgical center in which abortions are performed shall:

(1) keep at the hospital or ambulatory outpatient surgical center a copy of the admitting privileges of a physician described in subsection (a)(1) and (a)(2) who is performing abortions at the hospital or ambulatory outpatient surgical center; and

(2) submit a copy of the admitting privileges described in subdivision (1) to the state department. The state department shall verify the validity of the admitting privileges document. The state department shall remove any identifying information from the admitting privileges document before releasing the document under IC 5-14-3.

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

(1) each hospital located in the county in which the hospital granting the admitting privileges described in subsection (a) is located; and

(2) each hospital located in a county that is contiguous to the county described in subdivision (1);

where abortions are performed.

(e) The state department shall confirm to a member of the public, upon request, that the admitting privileges required to be submitted under this section for a hospital or ambulatory outpatient surgical center have been received by the state department.

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

SECTION 11. IC 16-34-2-4.7, AS AMENDED BY THE



1 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
2 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 4.7. (a) As used in this section, "abortion
4 complication" means only the following physical or psychological
5 conditions arising from the induction or performance of an abortion:

- 6 (1) Uterine perforation.
- 7 (2) Cervical laceration.
- 8 (3) Infection.
- 9 (4) Vaginal bleeding that qualifies as a Grade 2 or higher adverse
10 event according to the Common Terminology Criteria for Adverse
11 Events (CTCAE).
- 12 (5) Pulmonary embolism.
- 13 (6) Deep vein thrombosis.
- 14 (7) Failure to terminate the pregnancy.
- 15 (8) Incomplete abortion (retained tissue).
- 16 (9) Pelvic inflammatory disease.
- 17 (10) Missed ectopic pregnancy.
- 18 (11) Cardiac arrest.
- 19 (12) Respiratory arrest.
- 20 (13) Renal failure.
- 21 (14) Shock.
- 22 (15) Amniotic fluid embolism.
- 23 (16) Coma.
- 24 (17) Placenta previa in subsequent pregnancies.
- 25 (18) Pre-term delivery in subsequent pregnancies.
- 26 (19) Free fluid in the abdomen.
- 27 (20) Hemolytic reaction due to the administration of
28 ABO-incompatible blood or blood products.
- 29 (21) Hypoglycemia occurring while the patient is being treated at
30 the hospital or ambulatory outpatient surgical center.
- 31 (22) Allergic reaction to anesthesia. ~~or abortion inducing drugs.~~
- 32 (23) Psychological complications, including depression, suicidal
33 ideation, anxiety, and sleeping disorders.
- 34 (24) Death.
- 35 (25) Any other adverse event as defined by criteria provided in
36 the Food and Drug Administration Safety Information and
37 Adverse Event Reporting Program.

38 (b) The following persons shall report to the state department each
39 case in which the person treated a patient suffering from an abortion
40 complication:

- 41 (1) A physician licensed under IC 25-22.5.
- 42 (2) A hospital licensed under IC 16-21.



9 (1) The date the patient presented for treatment for the abortion
10 complication.

11 (2) The age of the patient.
12 (3) The race of the patient.

13 (4) The county and state of the patient's residence.
14 (5) The name of 1 patient listed in 11, the patient

14 (5) The type of abortion obtained by the patient.
15 (6) The date of abortion obtained by the patient.

16 (7) The name of the:

17 (A) hospital; or
18 (B) ambulatory outpatient medical center.

(B) ambulatory outpatient surgical center; where the patient obtained the abortion.

(8) Whether the abortion was performed or occurred in Indiana or outside Indiana.

21 **Indiana or outside Indiana.**
22 (8) (9) Whether the patient obtained abortion medication via mail
23 order or Internet web site; website, and if so, information
24 identifying the source of the medication.

24 identifying the source of the medication.
25 (9) (10) Whether the complication was previously managed by the
26 abortion provider or the abortion provider's required back-up
27 physician.

27 physician.
28 (10) (11) The name of the medications taken by the patient as part
29 of the pharmaceutical abortion regimen, if any.

29 of the pharmaceutical abortion regimen, if any.
30 (12) A list of each diagnosed complication.

(11) (12) A list of each diagnosed complication.
(12) (13) A list of each treated complication, with a description of the treatment provided.

(13) (14) Whether the patient's visit to treat the complications was the original visit or a follow-up visit.

35 (14) (15) The date of each follow-up visit, if any.

36 (15) (16) A list of each complication diagnosed at a follow-up
37 visit, if any.

38 (16) (17) A list of each complication treated at a follow-up visit,
39 if any.



(19) The full name of the health care provider who provided treatment for the abortion complication.

(f) The state department shall do the following concerning a report received under this section:

(1) Publish the report on the state department's website.

(2) Send each report to the office of the attorney general as an attachment to a signed consumer complaint.

(g) The information described in the following is public and may not be redacted from a report described in subsection (f):

(1) Subsection (e)(5).

(2) Subsection (e)(7) through (e)(13).

(3) Subsection (e)(18) and (e)(19).

(h) A report made under this section is not confidential and is a public record as defined in IC 5-14-3-2(r). It shall be open to public inspection and the state department shall disclose the report upon a request made by any person (as defined in IC 5-14-3-2(n)).

(i) In releasing or making available to the public a report received under this section, the state department shall do the following:

(1) If the state department redacts a date on a report received under this section, indicate on the report whether the report was submitted in compliance with any reporting deadline.

(2) If the state department redacts the information described in subsection (e)(2) from a report, indicate on the report whether or not the patient was a minor.

(f) (j) On a quarterly basis, the state department shall compile a public report summarizing the information collected under this section. The report must include statistics for the previous calendar quarter, with updated information for the most recent calendar quarter.

(g) (k) The state department shall summarize the aggregate data from the data submitted under this section and submit the data, on or before June 30 of each year, to the United States Centers for Disease Control and Prevention for its inclusion in the annual Vital Statistics Report.

(h) (1) The state department shall ensure that no identifying information of a pregnant woman is included in the report described in subsection (f), (i).

(f) (m) This subsection applies after August 31, 2020. Each failure to report an abortion complication as required under this section is a Class B misdemeanor.

④ (n) The state department shall adopt rules under IC 4-22-2 to implement this section.



6 SECTION 12. IC 16-34-2-5, AS AMENDED BY P.L.56-2023,
7 SECTION 154, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Every health care provider
9 who performs a surgical abortion or provides, prescribes, administers,
10 or dispenses an abortion inducing drug for the purposes of inducing an
11 abortion shall report the performance of the abortion or the provision,
12 prescribing, administration, or dispensing of an abortion inducing drug
13 on a form drafted by the state department, the purpose and function of
14 which shall be the improvement of maternal health and life through the
15 compilation of relevant maternal life and health factors and data, and
16 a further purpose and function shall be to monitor all abortions
17 performed in Indiana to assure the abortions are done only under the
18 authorized provisions of the law. For each abortion performed and
19 abortion inducing drug provided, prescribed, administered, or
20 dispensed, the report shall include, among other things, the following:

- (1) The age of the patient.
- (2) **Whether parental consent was obtained** or whether a waiver of consent under **section 4** of this chapter was obtained.
- (3) Whether a waiver of notification under **section 4** of this chapter was obtained.
- (4) The date and location, including the facility name and city or town, where the:
 - (A) pregnant woman:
 - (i) provided consent; and
 - (ii) received all information;required under section 1.1 of this chapter; and
 - (B) abortion was performed or the abortion inducing drug was provided, prescribed, administered, or dispensed.
- (5) The health care provider's full name and address, including the name of the physicians performing the abortion or providing, prescribing, administering, or dispensing the abortion inducing drug.
- (6) The city and county where the pregnancy termination occurred.
- (7) The age of the father, or the approximate age of the father if the father's age is unknown.
- (8) The patient's county and state of residence.



1 (9) The marital status of the patient.
2 (10) The educational level of the patient.
3 (11) The race of the patient.
4 (12) The ethnicity of the patient.
5 (13) The number of the patient's previous live births.
6 (14) The number of the patient's deceased children.
7 (15) The number of the patient's spontaneous pregnancy
8 terminations.
9 (16) The number of the patient's previous induced terminations.
10 (17) The date of the patient's last menses.
11 (18) The physician's determination of the gestation of the fetus in
12 weeks.
13 (19) **The reason for the abortion: Information specifying any of
14 the following:**
15 (A) **The abortion was necessary to prevent any serious
16 health risk to the pregnant woman or to save the pregnant
17 woman's life, including the pregnant woman's diagnosed
18 condition.**
19 (B) **The fetus was diagnosed with a lethal fetal anomaly,
20 including the fetus's diagnosed condition.**
21 (C) **The pregnancy was a result of rape or incest.**
22 (20) Whether the patient indicated that the patient was seeking an
23 abortion as a result of being:
24 (A) abused;
25 (B) coerced;
26 (C) harassed; or
27 (D) trafficked.
28 (21) The following information concerning the abortion or the
29 provision, prescribing, administration, or dispensing of the
30 abortion inducing drug:
31 (A) The postfertilization age of the fetus (in weeks).
32 (B) The manner in which the postfertilization age was
33 determined.
34 (C) The gender of the fetus, if detectable.
35 (D) Whether the fetus has been diagnosed with or has a
36 potential diagnosis of having Down syndrome or any other
37 disability.
38 (E) If after the earlier of the time the fetus obtains viability or
39 the time the postfertilization age of the fetus is at least twenty
40 (20) weeks, the medical reason for the performance of the
41 abortion.
42 (22) For a surgical abortion, the **specific** medical procedure used.



for the abortion and,

(23) If the fetus **was viable or** had a postfertilization age of at least twenty (20) weeks:

(A) whether the procedure, in the reasonable judgment of the health care provider, gave the fetus the best opportunity to survive;

(B) the basis for the determination that the pregnant woman had a condition described in this chapter that required the abortion to avert the death of or serious impairment to the pregnant woman; and

(C) the name of the second doctor present, as required under **IE 16-34-2-3(a)(3), section 3(a)(3) of this chapter.**

(23) (24) For a nonsurgical abortion, the precise drugs provided, prescribed, administered, or dispensed, and the means of delivery of the drugs to the patient.

(24) (25) For a nonsurgical abortion, that the manufacturer's instructions were provided to the patient and that the patient signed the patient agreement.

(26) For a nonsurgical abortion, that the abortion inducing drug was dispensed and consumed in the presence of the physician in accordance with section 1(a) of this chapter.

(25) (27) For an abortion performed before twenty (20) weeks of postfertilization age of the fetus, the medical indication by diagnosis code for the fetus and the mother.

(26) (28) The mother's obstetrical history, including dates of other abortions, if any.

(27) (29) Any preexisting medical conditions of the patient that may complicate the abortion.

(28) (30) The results of pathological examinations if performed.
(29) (31) For a surgical abortion, whether the fetus was delivered

alive, and if so, how long the fetus lived, **and that the physician complied with the requirements in IC 16-21-2-17 and section 3(b) of this chapter.**

(30) (32) Records of all maternal deaths occurring at the location where the abortion was performed or the abortion inducing drug was provided, prescribed, administered, or dispensed, **including the specific cause of death.**

(31) (33) The date the form was transmitted to the state department and, if applicable, separately to the department of child services.

(34) The name of each person assisting with the report.

(35) Certification by the attending physician, under the



penalty of perjury, that the:

(A) report was reviewed and approved by the attending physician;

(B) information in the report is true and correct; and

(C) abortion was performed in compliance with this article.

(b) The health care provider shall complete the form provided for in subsection (a), **including each field on the form**, and shall transmit the completed form to the state department, in the manner specified on the form, within thirty (30) days after the date of each abortion. However, if an abortion is for a female who is less than sixteen (16) years of age, the health care provider shall transmit the form to the state department and separately to the department of child services within three (3) days after the abortion is performed.

15 (c) The dates supplied on the form may not be redacted for any
16 reason before the form is transmitted as provided in this section.

24 (f) The information described in the following is public and may
25 not be redacted from each form received under this section:

27 (2) Subsection (a)(5).

(3) Subsection (a)(18) and (a)(19).

30 (5) Subsection (a)(22) through (a)(26).

31 (6) Subsection (a)(29) through (a)(32).

31 (3) Subsection (a)(19) through (a)(32).
32 (7) Subsection (a)(34).

32 (7) Subsection (a)(5)(i).
33 (g) A report made under

33 (g) A report made under this section is not confidential and is a
34 **public record as defined in IC 5-14-3-2(r). It shall be open to public**
35 **inspection and the state department shall disclose the report upon**
36 **a request made by any person (as defined in IC 5-14-3-2(n)).**

40 (1) If the state department redacts a date on a form received
41 under this section, indicate on the form whether the health
42 care provider transmitted the form to the state department by



the reporting deadline described in subsection (b).

(2) If the state department redacts the information described in subsection (a)(1) from a form, indicate on the form whether or not the patient was a minor.

(e) (i) On a quarterly basis, the state department shall compile a public report providing the following:

(1) Statistics for the previous calendar quarter from the information submitted under this section.

(2) Statistics for previous calendar years compiled by the state department under this subsection, with updated information for the calendar quarter that was submitted to the state department after the compilation of the statistics.

The state department shall ensure that no identifying information of a pregnant woman is contained in the report.

(f) (j) The state department shall:

(1) summarize aggregate data from all data submitted under this section; and

(2) submit the data, before July 1 of each year, to the United States Centers for Disease Control and Prevention for its inclusion in the annual Vital Statistics Report.

(k) Before October 1, 2026, and before October 1 of each even-numbered year thereafter, the state department shall provide, in an electronic format under IC 5-14-6, verification to the general assembly that the state department is in compliance with subsection (g).

SECTION 13. IC 16-34-3-2, AS AMENDED BY P.L.179-2022(ss), SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A pregnant woman who has an abortion under this article has the right to have the hospital or ambulatory outpatient surgical center dispose of the aborted fetus by interment in compliance with IC 23-14-54, or cremation through a licensee (as defined in IC 25-15-2-19) and in compliance with IC 23-14-31. The pregnant woman who selects to have the hospital or ambulatory outpatient surgical center dispose of the aborted fetus has the right to ask which method will be used by the hospital or ambulatory outpatient surgical center.

(b) After receiving the notification and information required by IC 16-34-2-1.1(a)(2)(H) **and** IC 16-34-2-1.1(a)(2)(I), **and** ~~IC 16-34-2-1.1(a)(2)(J)~~, the pregnant woman shall inform the hospital or ambulatory outpatient surgical center:

(1) in writing; and

(2) on a form prescribed by the state department;



1 of the pregnant woman's decision for final disposition of the aborted
2 fetus by cremation or interment, and, in an abortion induced by an
3 abortion inducing drug, whether the pregnant woman will return the
4 aborted fetus to the hospital or ambulatory outpatient surgical center
5 for disposition by interment in compliance with IC 23-14-54, or
6 cremation through a licensee (as defined in IC 25-15-2-19) and in
7 compliance with IC 23-14-31.

8 (c) If the pregnant woman is a minor, the hospital or ambulatory
9 outpatient surgical center shall obtain parental consent in the
10 disposition of the aborted fetus unless the minor has received a waiver
11 of parental consent under IC 16-34-2-4.

12 (d) The hospital or ambulatory outpatient surgical center shall
13 document the pregnant woman's decision concerning disposition of the
14 aborted fetus in the pregnant woman's medical record.

15 (e) In the case of an abortion induced by an abortion inducing drug,
16 the pregnant woman may return the aborted fetus to the hospital or
17 ambulatory outpatient surgical center for disposition by interment in
18 compliance with IC 23-14-54, or cremation through a licensee (as
19 defined in IC 25-15-2-19) and in compliance with IC 23-14-31.

20 SECTION 14. IC 16-34-3-4, AS AMENDED BY P.L.179-2022(ss),
21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2026]: Sec. 4. (a) A hospital or ambulatory outpatient surgical
23 center having possession of an aborted fetus shall provide for the final
24 disposition of the aborted fetus. The burial transit permit requirements
25 of IC 16-37-3 apply to the final disposition of an aborted fetus, which
26 must be interred or cremated. However:

27 (1) a person is not required to designate a name for the aborted
28 fetus on the burial transit permit and the space for a name may
29 remain blank; and

30 (2) any information submitted under this section that may be used
31 to identify the pregnant woman is confidential and must be
32 redacted from any public records maintained under IC 16-37-3.

33 Aborted fetuses may be cremated by simultaneous cremation.

34 (b) If the hospital or ambulatory outpatient surgical center conducts
35 the cremation of aborted fetal remains on site, the hospital or
36 ambulatory outpatient surgical center must comply with all state laws
37 concerning the cremation of human remains as prescribed in
38 IC 23-14-31. The hospital or ambulatory outpatient surgical center
39 must make the onsite cremation equipment available to the state
40 department for inspection at the time the hospital or ambulatory
41 outpatient surgical center is inspected. When the hospital or
42 ambulatory outpatient surgical center contracts with a licensed funeral



1 home for the disposal of the aborted fetal remains, the contract must be
 2 made available for review by the state department at the time the
 3 hospital or ambulatory outpatient surgical center is inspected.

4 (c) Except in extraordinary circumstances where the required
 5 information is unavailable or unknown, a burial transit permit issued
 6 under IC 16-37-3 that includes multiple fetal remains must be
 7 accompanied by a log prescribed by the state department containing the
 8 following information about each fetus included under the burial transit
 9 permit:

10 (1) The date of the abortion.
 11 (2) ~~Whether the abortion was surgical or induced by an abortion~~
 12 ~~inducing drug.~~

13 (3) (2) The name of the funeral director licensee who will be
 14 retrieving the aborted fetus.

15 (4) ~~In the case of an abortion induced by an abortion inducing~~
 16 ~~drug:~~

17 (A) ~~whether the pregnant woman will cremate or inter the~~
 18 ~~fetus; or will return the fetus to the hospital or ambulatory~~
 19 ~~outpatient surgical center for disposition; and~~

20 (B) ~~if the pregnant woman returns the fetus to the hospital or~~
 21 ~~ambulatory outpatient surgical center, whether the returned~~
 22 ~~fetus is included in the burial transit permit.~~

23 The hospital or ambulatory outpatient surgical center must keep a copy
 24 of the burial transit permit and accompanying log in a permanent file.

25 (d) Each time the fetal remains are transported from one entity to
 26 another for disposition, the entity receiving the fetal remains must
 27 confirm that the number of fetal remains matches the information
 28 contained in the burial transit permit and accompanying log. After final
 29 disposition, a copy of the log will be sent back to the hospital or
 30 ambulatory outpatient surgical center. The final log will be attached to
 31 the original log described in subsection (c) and will be made available
 32 for review by the state department at the time of inspection.

33 (e) A hospital or ambulatory outpatient surgical center is responsible
 34 for demonstrating to the state department that the hospital or
 35 ambulatory outpatient surgical center has complied with the protocol
 36 provided in this section.

37 (f) A certificate of stillbirth is not required to be issued for an
 38 aborted fetus with a gestational age of less than twenty (20) weeks of
 39 age.

40 (g) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and
 41 IC 29-2-19-17 concerning the authorization of disposition of human
 42 remains apply to this section.



1 SECTION 15. IC 16-34-7 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]:

4 **Chapter 7. Abortion Inducing Drugs**

5 **Sec. 1. (a) This chapter does not apply to and a civil action**
6 **under this chapter may not be brought against:**

7 **(1) a hospital or health facility licensed, owned, maintained,**
8 **or operated by the state;**

9 **(2) a physician or health care provider who is:**
10 **(A) licensed by the state; and**

11 **(B) located in Indiana;**

12 **(3) an Internet service provider or an affiliate of subsidiary of**
13 **an Internet service provider;**

14 **(4) an Internet service engine;**

15 **(5) a cloud service provider providing access or connection to**
16 **or from:**

17 **(A) a website;**

18 **(B) other information or content on the Internet;**

19 **(C) a facility, system, or network that is not under the**
20 **provider's control, including:**

21 **(i) transmission;**

22 **(ii) downloading;**

23 **(iii) intermediate storage; or**

24 **(iv) access software.**

25 **(b) This chapter does not apply to the transport of an abortion**
26 **inducing drug from a person in another state in continuous transit**
27 **through Indiana to a person in another state.**

28 **Sec. 2. This chapter may not be construed to require the actual**
29 **performance, inducement, or attempted performance of an**
30 **abortion in order for a person to bring a civil action under this**
31 **chapter.**

32 **Sec. 3. The following definitions apply throughout this chapter:**

33 **(1) "Delivery network company" has the meaning set forth in**
34 **IC 8-2.1-17-5.3.**

35 **(2) "DNC driver" has the meaning set forth in IC 8-2.1-17-5.7.**

36 **(3) "Health facility" means a building, a structure, an**
37 **institution, or other place for the reception, accommodation,**
38 **board, care, or treatment extending beyond a continuous**
39 **twenty-four (24) hour period in a week of more than four (4)**
40 **individuals who need or desire such services because of**
41 **physical or mental illness, infirmity, or impairment. The term**
42 **does not include a hospital.**



(4) "Physician" means an individual licensed to practice medicine in Indiana, include a medical doctor and a doctor of osteopathic medicine.

Sec. 4. (a) Except as provided by subsection (b), a person may not knowingly or intentionally:

(1) manufacture, distribute, or possess an abortion inducing drug; or

(2) mail, transport, deliver, prescribe, or provide an abortion inducing drug in any manner to or from any person or location in Indiana.

(b) Subsection (a) does not prohibit:

(1) speech or conduct protected by the First Amendment to the Constitution of the United States, as made applicable to the states through the United States Supreme Court's interpretation of the Fourteenth Amendment to the Constitution of the United States, or protected by Article 1, Section 9 of the Constitution of the State of Indiana;

- (2) conduct that a pregnant woman takes in the course of aborting or attempting to abort the woman's unborn child;
- (3) the manufacture, distribution, mailing, transport, delivery, prescribing, provision, or possession of an abortion inducing drug solely for purposes that do not include performing, inducing, attempting, assisting, or aiding or abetting an illegal abortion; or

(4) conduct that a person takes under the direction of a federal agency, contractor, or employee to carry out a duty under federal law, if prohibiting that conduct would violate the doctrine of preemption or intergovernmental immunity.

Sec. 5. (a) Notwithstanding any other law, the prohibitions in section 4 of this chapter may be enforced only through a wrongful death action brought under section 4 of this chapter or a qui tam action brought under section 9 of this chapter.

(b) No other direct or indirect enforcement of section 4 of this chapter may be taken or threatened by:

(1) the State of Indiana;

(2) a political subdivision of the state;

(3) a prosecuting attorney;

(4) a county attorney;

(4) a county attorney;

(6) any officer or employee of a political subdivision of the state;

against any person, except through a wrongful death action



1 **brought under section 4 of this chapter or a qui tam action brought**
2 **under section 9 of this chapter.**

3 **(c) This section does not preclude or limit the enforcement of**
4 **any other law or regulation against conduct that is independently**
5 **prohibited by the other law or regulation and that would remain**
6 **prohibited by the other law or regulation in the absence of section**
7 **4 of this chapter.**

8 **Sec. 6. (a) Notwithstanding any other law, and except as**
9 **provided in subsections (b) and (f), a person who manufactures,**
10 **distributes, mails, transports, delivers, prescribes, or provides an**
11 **abortion inducing drug, or who aids or abets the manufacture,**
12 **distribution, mailing, transportation, delivery, prescription, or**
13 **provision of an abortion inducing drug, is strictly, absolutely, and**
14 **jointly and severally liable for:**

15 **(1) the wrongful death of an unborn child or pregnant woman**
16 **from the use of the abortion inducing drug; and**
17 **(2) personal injury of an unborn child or pregnant woman**
18 **from the use of the abortion inducing drug.**

19 **(b) A claimant may not bring an action under this section if the**
20 **action is preempted by 47 U.S.C. 230(c).**

21 **(c) A person who engages in conduct described by subsection (a)**
22 **is liable for damages resulting from the death or personal injury**
23 **sustained by an unborn child or pregnant woman if the person's**
24 **conduct contributed in any way to the death or injury, regardless**
25 **of whether the person's conduct was the actual or proximate cause**
26 **of the death or injury.**

27 **(d) Notwithstanding any other law, the mother or father of an**
28 **unborn child may bring a civil action under this section for the**
29 **wrongful death of the unborn child from the use of an abortion**
30 **inducing drug, regardless of whether the other parent brings a civil**
31 **action for the wrongful death. The biological father of an unborn**
32 **child may bring the action regardless of whether the father was**
33 **married to the unborn child's mother at the time of the unborn**
34 **child's conception or death.**

35 **(e) Notwithstanding any other law, a civil action may not be**
36 **brought under this section:**

37 **(1) against the woman who used or sought to obtain abortion**
38 **inducing drugs to abort or attempt to abort her unborn child;**
39 **(2) against a person that acted under the direction of a federal**
40 **agency, contractor, or employee who is carrying out duties**
41 **under federal law if the imposition of liability would violate**
42 **the doctrine of preemption or intergovernmental immunity;**



1 (3) by any person who has committed a sex crime as defined
2 in IC 35-42-4, or by another person who acts in concert or
3 participation with such a person;
4 (4) against a transportation network company or a driver for
5 using a transportation network company's digital network to
6 provide a digitally prearranged ride;
7 (5) against a delivery network company or a DNC driver for
8 using a delivery network company's digital network to
9 provide a digitally prearranged delivery;
10 (6) against a person described in section 1 of this chapter; or
11 (7) against a common carrier that took every reasonable
12 precaution to ensure that the common carrier would not
13 manufacture, distribute, mail, transport, deliver, prescribe,
14 provide, possess, or aid or abet the manufacture, distribution,
15 mailing, transportation, delivery, prescription, provision, or
16 possession of abortion inducing drugs for the purpose of
17 performing, inducing, attempting, or assisting an illegal
18 abortion, including by adopting a policy that the common
19 carrier will not manufacture, distribute, mail, transport,
20 deliver, prescribe, provide, possess, or aid or abet the
21 manufacture, distribution, mailing, transportation, delivery,
22 prescription, provision, or possession of abortion inducing
23 drugs for this purpose.

24 (f) Notwithstanding any other law, including Trial Rule 23 of the
25 Indiana Rules of Trial Procedure, an action brought under this
26 section may not be litigated on behalf of a claimant class or a
27 defendant class, and a court may not certify a class in the action.

28 **Sec. 7. (a) It is an affirmative defense to an action brought under**
29 **section 6 of this chapter that the defendant:**

30 (1) was unaware the defendant was engaged in the conduct
31 described by section 6(a) of this chapter; and
32 (2) took every reasonable precaution to ensure the defendant
33 would not manufacture, distribute, mail, transport, deliver,
34 prescribe, provide, or possess abortion inducing drugs.

35 (b) A defendant has the burden of proving an affirmative
36 defense under subsection (a) by a preponderance of the evidence.

39 (1) A defendant's ignorance or mistake of law, including a
40 defendant's mistaken belief that the requirements or
41 provisions of this chapter are unconstitutional or were
42 unconstitutional.



(2) A defendant's reliance on a court decision that has been vacated, reversed, or overruled on appeal or by a subsequent court, even if the court decision had not been vacated, reversed, or overruled when the cause of action accrued.

(3) A defendant's reliance on a state or federal court decision that is not binding on the court in which the action has been brought.

(4) A defendant's reliance on a federal statute, agency rule or action, or treaty that has been repealed, superseded, or declared invalid or unconstitutional, even if the federal statute, agency rule or action, or treaty had not been repealed, superseded, or declared invalid or unconstitutional when the cause of action accrued.

(5) The laws of another state or jurisdiction, including an abortion shield law, unless the Constitution of the State of Indiana or federal law compels the court to enforce that law.

(6) Nonmutual issue preclusion or nonmutual claim preclusion.

(7) The consent of the claimant or the unborn child's mother to the abortion.

(8) Contributory or comparative negligence.

(9) Assumption of risk.

(10) Lack of actual or proximate cause.

(11) Sovereign immunity, governmental immunity, or official immunity, except that sovereign immunity, governmental immunity, or official immunity is not waived for:

(A) a hospital owned and operated by the state that facilitates or makes available abortion inducing drugs solely for purposes that do not include performing, inducing, attempting, assisting, or aiding or abetting an illegal abortion; or

(B) a political subdivision, including a hospital district, that facilitates or makes available abortion inducing drugs solely for purposes that do not include performing, inducing, attempting, assisting, or aiding or abetting an illegal abortion.

(12) A claim that the enforcement of this chapter or the imposition of civil liability against the defendant will violate the constitutional or federally protected rights of third parties.



1 under section 6 of this chapter is unable to identify the specific
2 manufacturer of the abortion inducing drug that caused the death
3 or injury that is the basis for the action, the liability is apportioned
4 among all manufacturers of abortion inducing drugs in proportion
5 to each manufacturer's share of the national market for abortion
6 inducing drugs at the time the death or injury occurred.

7 (b) A manufacturer is not subject to liability under this section
8 if it manufactures abortion inducing drugs solely for purposes that
9 do not include performing, inducing, attempting, or assisting, or
10 aiding or abetting an illegal abortion.

11 Sec. 9. (a) A person, other than the state of Indiana, a political
12 subdivision of the state, or an officer or employee of the state or a
13 political subdivision of the state, has standing to bring and may
14 bring a qui tam action against any person who:

15 (1) violates section 4 of this chapter; or
16 (2) intends to violate section 4 of this chapter.

17 (b) An action brought under this section must be brought in the
18 name of the qui tam relator, who is an assignee of the state's claim
19 for relief. Notwithstanding any other law, the transfer of the state's
20 claim to the qui tam relator is absolute, with the state retaining no
21 interest in the subject matter of the claim.

22 (c) A qui tam relator may not bring an action under this section
23 if the action is preempted by 47 U.S.C. 230(c).

24 (d) A qui tam action may not be brought under this section:

25 (1) against a woman for using, obtaining, or seeking to obtain
26 abortion inducing drugs to abort or attempt to abort her
27 unborn child;

28 (2) against a person acting under the direction of a federal
29 agency, contractor, or employee who is carrying out a duty
30 under federal law if the imposition of liability would violate
31 the doctrine of preemption or intergovernmental immunity;
32 (3) by any person who has committed a sex crime as defined
33 in IC 35-42-4, or by another person who acts in concert or
34 participation with such a person;

35 (4) against a transportation network company or a driver for
36 using a transportation network company's digital network to
37 provide a digitally prearranged ride;

38 (5) against a delivery network company or a DNC driver for
39 using a delivery network company's digital network to
40 provide a digitally prearranged delivery;

41 (6) against a person described in section 1 of this chapter; or
42 (7) against a common carrier that took reasonable



1 **precautions to ensure that the common carrier would not**
2 **manufacture, distribute, mail, transport, deliver, prescribe,**
3 **provide, possess, or aid or abet the manufacture, distribution,**
4 **mailing, transportation, delivery, prescription, provision, or**
5 **possession of abortion inducing drugs for the purpose of**
6 **performing, inducing, attempting, or assisting an illegal**
7 **abortion, including by adopting a policy that the common**
8 **carrier will not manufacture, distribute, mail, transport,**
9 **deliver, prescribe, provide, possess, or aid or abet the**
10 **manufacture, distribution, mailing, transportation, delivery,**
11 **prescription, provision, or possession of abortion inducing**
12 **drugs for this purpose.**

13 (e) Notwithstanding any other law, including Trial Rule 23 of
14 the Indiana Rules of Trial Procedure, an action brought under this
15 section may not be litigated on behalf of a claimant class or a
16 defendant class, and a court may not certify a class in the action.

17 Sec. 10. (a) It is an affirmative defense to an action brought
18 under section 9 of this chapter that the defendant:

19 (1) was unaware the defendant was engaged in the conduct
20 prohibited by section 4 of this chapter; and
21 (2) took reasonable precautions to ensure the defendant would
22 not violate section 4 of this chapter.

23 (b) The defendant has the burden of proving an affirmative
24 defense under this section by a preponderance of the evidence.

25 (c) The following are not defenses to an action brought under
26 section 9 of this chapter:

27 (1) A defendant's ignorance or mistake of law, including a
28 defendant's mistaken belief that the requirements or
29 provisions of this chapter are unconstitutional or were
30 unconstitutional.

31 (2) A defendant's reliance on a court decision that has been
32 vacated, reversed, or overruled on appeal or by a subsequent
33 court, even if the court decision had not been vacated,
34 reversed, or overruled when the cause of action accrued.

35 (3) A defendant's reliance on a state or federal court decision
36 that is not binding on the court in which the action has been
37 brought.

38 (4) A defendant's reliance on a federal agency rule or action
39 that has been repealed, superseded, or declared invalid or
40 unconstitutional, even if the federal agency rule or action had
41 not been repealed, superseded, or declared invalid or
42 unconstitutional when the cause of action accrued.



(5) The laws of another state or jurisdiction, including an abortion shield law, unless the Constitution of the State of Indiana or federal law compels the court to enforce that law.

(6) Nonmutual issue preclusion or nonmutual claim preclusion.

(7) Sovereign immunity, governmental immunity, or official immunity, other than sovereign immunity, governmental immunity, or official immunity applicable to:

(A) a hospital owned and operated by the state that facilitates or makes available abortion inducing drugs solely for purposes that do not include performing, inducing, attempting, assisting, or aiding or abetting an illegal abortion; or

(B) a political subdivision, including a hospital district, that facilitates or makes available abortion inducing drugs solely for purposes that do not include performing, inducing, attempting, assisting, or aiding or abetting an illegal abortion.

(8) A claim that the enforcement of this chapter or the imposition of civil liability against the defendant will violate the constitutional or federally protected rights of third parties.

(9) Consent to the abortion by the claimant or the unborn child's mother.

Sec. 11. (a) Notwithstanding any other law and except as provided in subsection (b), if a qui tam relator prevails in an action brought under section 9 of this chapter, the court shall award to the relator:

(1) injunctive relief sufficient to prevent the defendant from violating section 4 of this chapter;

- (2) an amount of not less than one hundred thousand dollars (\$100,000) for each violation of section 4 of this chapter; and
- (3) costs and reasonable attorney's fees.

(b) A court may not award relief under subsection (a)(2) or (a)(3) in response to a violation of section 4 of this chapter if the defendant demonstrates that:

(1) a court previously ordered the defendant to pay an amount under subsection (a)(2) in another action for that particular violation; and

(2) the court order described by subdivision (1) has not been vacated, reversed, or overturned.

(c) Notwithstanding any other law, a court may not award costs



1 **or attorney's fees to a defendant against whom an action is brought**
2 **under section 6 or 9 of this chapter except:**

3 **(1) in response to frivolous, malicious, or bad faith conduct;**
4 **or**
5 **(2) as required by federal law.**

6 **Sec. 12. Notwithstanding any other law, a person may bring an**
7 **action under section 6 or 9 of this chapter not later than twenty**
8 **(20) years after the date on which the cause of action accrues.**

9 **Sec. 13. (a) It is an affirmative defense to an action brought**
10 **under section 6 or 9 of this chapter that:**

11 **(1) the imposition of civil liability on the defendant will violate**
12 **the defendant's rights under federal law, including the**
13 **Constitution of the United States;**

14 **(2) the defendant:**

15 **(A) has standing to assert the rights of a third party under**
16 **the tests for third party standing established by the United**
17 **States Supreme Court; and**

18 **(B) demonstrates that the imposition of civil liability on the**
19 **defendant will violate the third party's rights under federal**
20 **law, including the Constitution of the United States;**

21 **(3) the imposition of civil liability on the defendant will violate**
22 **the defendant's rights under the Constitution of the State of**
23 **Indiana; or**

24 **(4) the imposition of civil liability on the defendant will violate**
25 **limits on extraterritorial jurisdiction imposed by the**
26 **Constitution of the United States or the Constitution of the**
27 **State of Indiana.**

28 **(b) The defendant has the burden of proving an affirmative**
29 **defense under subsection (a) by a preponderance of the evidence.**

30 **(c) Notwithstanding any other law, this chapter does not impose**
31 **liability for:**

32 **(1) death or personal injury resulting from an abortion**
33 **described in IC 16-34-2-1(a)(1), IC 16-34-2-1(a)(2), or**
34 **IC 16-34-2-1(a)(3);**

35 **(2) the manufacture, distribution, mailing, transportation,**
36 **delivery, prescription, provision, or possession of an abortion**
37 **inducing drug for the purpose of performing, inducing,**
38 **attempting, or assisting, or aiding or abetting an abortion**
39 **described in IC 16-34-2-1(a)(1), IC 16-34-2-1(a)(2), or**
40 **IC 16-34-2-1(a)(3);**

41 **(3) speech or conduct protected by the First Amendment to**
42 **the Constitution of the United States, as made applicable to**



the states through the United States Supreme Court's interpretation of the Fourteenth Amendment to the Constitution of the United States, or protected by Article 1, Section 9 of the Constitution of the State of Indiana;

(4) conduct that this state is prohibited from regulating under the Constitution of the State of Indiana or federal law, including the Constitution of the United States;

(5) conduct taken by a pregnant woman in the course of aborting or seeking to abort her unborn child; or

(6) conduct that a person engages in under the direction of a federal agency, contractor, or employee to carry out a duty under federal law, if a prohibition on that conduct would violate the doctrine of preemption or intergovernmental immunity.

Sec. 14. Notwithstanding any other law, a waiver or purported waiver of the right to bring an action under section 6 or 9 of this chapter is void as against public policy and is not enforceable in any court.

Sec. 15. (a) Notwithstanding any other law, the courts of the state have personal jurisdiction over a defendant sued under section 6 or 9 of this chapter to the maximum extent permitted by the Fourteenth Amendment to the Constitution of the United States and the defendant may be served outside Indiana.

(b) Notwithstanding any other law, Indiana law applies to the use of an abortion inducing drug by a resident, regardless of where the use of the drug occurs, and to an action brought under section 6 or 9 of this chapter, to the maximum extent permitted by the Constitution of the State of Indiana and federal law, including the Constitution of the United States.

(c) Notwithstanding any other law, any contractual choice-of-law provision that requires or purports to require application of the laws of a different jurisdiction is void based on the state's public policy and is not enforceable in any court.

(d) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under section 6 or 9 of this chapter.

(e) Notwithstanding any other law, a court may not apply the law of another state or jurisdiction to an action brought under section 6 or 9 of this chapter unless the Constitution of the State of Indiana or federal law compels the court to apply that law.

Sec. 16. (a) Notwithstanding any other law, the state, a political subdivision of the state, or an officer or employee of the state or a political subdivision of the state may not:



17 Sec. 17. (a) Notwithstanding any other law, including the
18 Indiana Rules of Trial Procedure, an action brought under section
19 6 or 9 of this chapter may be brought in:

20 (1) the county in which all or a substantial part of the events
21 or omissions giving rise to the claim occurred;
22 (2) the county of a defendant's residence at the time the cause
23 of action accrued if a defendant is an individual;
24 (3) the county of the principal office in the state of a defendant
25 that is not an individual; or
26 (4) the county of the claimant's residence if the claimant is an
27 individual residing in Indiana.

(b) If an action brought under section 6 or 9 of this chapter is brought in a venue described by subsection (a), the action may not be transferred to a different venue without the written consent of all parties.

37 Sec. 18. (a) The attorney general has parens patriae standing to
38 bring an action under this section on behalf of unborn children of
39 residents of Indiana.



1 with the intent of performing, inducing, attempting, assisting, or
2 aiding or abetting an illegal abortion:

3 (1) violates 18 U.S.C. 1461 through 18 U.S.C. 1462 by using
4 the mails for the mailing, carriage in the mails, or delivery of:

5 (A) any article or thing designed, adapted, or intended for
6 producing abortion; or

7 (B) any article, instrument, substance, drug, medicine, or
8 thing which is advertised or described in a manner
9 calculated to lead another to use or apply it for producing
10 abortion;

11 (2) violates 18 U.S.C. 1462 by:

12 (A) using any express company or other common carrier
13 or interactive computer service for carriage in interstate
14 or foreign commerce of any drug, medicine, article, or
15 thing designed, adapted, or intended for producing
16 abortion; or

17 (B) knowingly taking or receiving, from such express
18 company or other common carrier or interactive computer
19 service, any matter or thing described in subdivision (1); or

20 (3) aids or abets the violations of 18 U.S.C. 1461 or 18 U.S.C.
21 1462 described in subdivisions (1) and (2).

22 (c) Notwithstanding any other law, an action under this section
23 may not be brought:

24 (1) against a woman for conduct taken in the course of
25 aborting or seeking to abort her unborn child;

26 (2) against a person that acted under the direction of a federal
27 agency, contractor, or employee who is carrying out duties
28 under federal law if the imposition of liability would violate
29 the doctrine of preemption or intergovernmental immunity;
30 (3) against a transportation network company or a driver for
31 using a transportation network company's digital network to
32 provide a digitally prearranged ride;

33 (4) against a delivery network company or a DNC driver for
34 using a delivery network company's digital network to
35 provide a digitally prearranged delivery;

36 (5) against a person described in section 1 of this chapter; or

37 (6) against a common carrier that took every reasonable
38 precaution to ensure that the common carrier would not
39 manufacture, distribute, mail, transport, deliver, prescribe,
40 provide, possess, or aid or abet the manufacture, distribution,
41 mailing, transportation, delivery, prescription, provision, or
42 possession of abortion inducing drugs for the purpose of



1 performing, inducing, attempting, or assisting an illegal
2 abortion, including by adopting a policy that the common
3 carrier will not manufacture, distribute, mail, transport,
4 deliver, prescribe, provide, possess, or aid or abet the
5 manufacture, distribution, mailing, transportation, delivery,
6 prescription, provision, or possession of abortion inducing
7 drugs for this purpose.

8 **Sec. 19. (a) For purposes of this section, "clawback provision"**
9 **refers to any law of another state or jurisdiction that authorizes the**
10 **bringing of a civil action against a person for:**

11 **(1) bringing or engaging in an action authorized by this**
12 **chapter, including an action brought under section 5, 8, or 17**
13 **of this chapter;**

14 **(2) bringing or engaging in an action that alleges a violation**
15 **of any federal or state abortion law;**

16 **(3) attempting, intending, or threatening to bring or engage in**
17 **an action described by subdivision (1) or (2); or**

18 **(4) providing legal representation or any type of assistance to**
19 **a person who brings or engages in an action described by**
20 **subdivision (1) or (2).**

21 **(b) Notwithstanding any other law and except as otherwise**
22 **provided by federal law or the Constitution of the State of Indiana,**
23 **Indiana law applies to:**

24 **(1) conduct described by subsection (a);**

25 **(2) an action brought against a person for engaging in conduct**
26 **described by subsection (a);**

27 **(3) an action brought under a clawback provision against a**
28 **resident of Indiana; and**

29 **(4) an action brought under subsection (f).**

30 **(c) Notwithstanding any other law, in an action described by**
31 **subsection (a)(1), the court shall, on request, issue a temporary,**
32 **preliminary, or permanent injunction that restrains each**
33 **defendant in the action, each person in privity with the defendant,**
34 **and each person with whom the defendant is in active concert or**
35 **participation from:**

36 **(1) bringing an action under any clawback provision against**
37 **a claimant or prosecutor, a person in privity with the claimant**
38 **or prosecutor, or a person providing legal representation or**
39 **any type of assistance to the claimant or prosecutor; and**

40 **(2) continuing to litigate an action under any clawback**
41 **provision that has been brought against a claimant or**
42 **prosecutor, a person in privity with the claimant or**



prosecutor, or a person providing legal representation or any type of assistance to the claimant or prosecutor.

(d) Notwithstanding any other law, the doctrines of res judicata and collateral estoppel preclude a defendant against whom a judgment is entered in an action described by subsection (a)(1) and each person in privity with the defendant from litigating or relitigating any claim or issue under any clawback provision against a claimant, prosecutor, or person in privity with the claimant or prosecutor that was raised or could have been raised as a claim, cross-claim, counterclaim, or affirmative defense under the Federal or Indiana Rules of Civil Procedure.

(e) Notwithstanding any other law, a court of Indiana may not enforce an out-of-state judgment obtained in an action brought under a clawback provision unless federal law or the Constitution of the State of Indiana requires the court to enforce the judgment.

(f) Notwithstanding any other law, if an action is brought or judgment is entered against a person under a clawback provision based wholly or partly on the person's decision to engage in conduct described by subsection (a), that person is entitled to injunctive relief and damages from any person who brought the action or obtained the judgment or who sought to enforce the judgment. Notwithstanding any other law, the relief described by this subsection must include:

(1) compensatory damages, including money damages in an amount equal to the judgment damages and costs, expenses, and reasonable attorney's fees spent in defending the action; (2) costs, expenses, and reasonable attorney's fees incurred in bringing an action under this subsection:

(3) additional amounts consisting of the greater of:

(A) twice the sum of the damages, costs, expenses, and fees described by subdivisions (1) and (2); or

(B) one hundred thousand dollars (\$100,000); and

(4) injunctive relief that restrains each person who brought the action under the clawback provision, each person in privity with the person, and each person acting in concert or participation with the person from:

(A) bringing further actions under any clawback provision against the person against whom the action was brought, each person in privity with the person, or any person providing legal representation or any type of assistance to the person;

(B) continuing to litigate any actions brought under a



1 **clawback provision against the persons described by clause
2 (A); and**

3 **(C) enforcing or attempting to enforce any judgment
4 obtained in any actions brought under a clawback
5 provision against the persons described by clause (A).**

6 **(g) It is not a defense to an action brought under subsection (f)
7 that:**

8 **(1) the claimant failed to seek recovery under subsection (f) in
9 an action brought against the claimant under a clawback
10 provision; or**

11 **(2) a court in a preceding action brought against the claimant
12 declined to recognize or enforce subsection (f) or held any
13 provision of that subsection invalid, unconstitutional, or
14 preempted by federal law, notwithstanding the doctrines of
15 issue or claim preclusion.**

16 **(h) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do
17 not apply to an action brought under subsection (f).**

18 **Sec. 20. (a) Notwithstanding any other law, a person, including
19 an entity, attorney, or law firm, who seeks declaratory or
20 injunctive relief to prevent the state, a political subdivision of the
21 state, an officer, employee, or agent of the state or a political
22 subdivision of the state, or any person from enforcing or bringing
23 an action to enforce a law, including a statute, ordinance, rule, or
24 regulation, that regulates or restricts abortion or that limits
25 taxpayer funding for persons performing or promoting abortions
26 in any state or federal court, or who represents a litigant seeking
27 such relief in any state or federal court, is jointly and severally
28 liable to pay the costs and reasonable attorney's fees of the
29 prevailing party, including the costs and reasonable attorney's fees
30 the prevailing party incurs in its efforts to recover costs and fees.**

31 **(b) For purposes of this section, a party is considered a
32 prevailing party if:**

33 **(1) a state or federal court dismisses a claim or cause of action
34 brought against the party by a litigant that seeks the
35 declaratory or injunctive relief described by subsection (a),
36 regardless of the reason for the dismissal;**

37 **(2) a state or federal court enters judgment in the party's
38 favor on that claim or cause of action; or**

39 **(3) the litigant that seeks the declaratory or injunctive relief
40 described by subsection (a) voluntarily dismisses or nonsuits
41 its claims against the party under Rule 41 of the Federal Rules
42 of Civil Procedure, or any other procedural rule.**



25 (f) Notwithstanding any other law, a civil action brought under
26 subsection (d) may be brought in:

27 (1) the county in which all or a substantial part of the events
28 or omissions giving rise to the claim occurred;
29 (2) the county of residence of a defendant at the time the cause
30 of action accrued, if the defendant is an individual;
31 (3) the county of the principal office in the state of a defendant
32 that is not an individual; or
33 (4) the county of residence of the claimant, if the claimant is
34 an individual residing in Indiana.

35 (g) If a civil action is brought under subsection (d) in a venue
36 described by subsection (f), the action may not be transferred to a
37 different venue without the written consent of all parties.



(i) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under subsection (d).

Sec. 21. (a) Notwithstanding any other law, the state has sovereign immunity, a political subdivision of the state has governmental immunity, and an officer or employee of the state or a political subdivision of the state has official immunity (as well as sovereign or governmental immunity, as appropriate) in an action, claim, counterclaim, or any other type of legal or equitable action that:

- (1) challenges the validity of any provision or application of this chapter, on constitutional grounds or otherwise; or
- (2) seeks to prevent or enjoin the state, a political subdivision of the state, or an officer, employee, or agent of the state or a political subdivision of the state from:

- (A) enforcing any provision or application of this chapter; or
- (B) filing, hearing, adjudicating, or docketing an action brought under section 6, 9, 18, or 20 of this chapter.

(b) Notwithstanding any other law, the immunities described in or conferred by this section apply in court, and in every type of adjudicative proceeding.

(c) Notwithstanding any other law, a provision of Indiana law may not be construed to waive or abrogate an immunity conferred by this section unless it expressly waives or abrogates immunity with specific reference to this section.

(d) Notwithstanding any other law, an attorney representing the state, a political subdivision of the state, or an officer or employee of the state or a political subdivision of the state may not waive an immunity conferred by this section or take an action that would result in a waiver of that immunity. A purported waiver or action described by this subsection is considered void and an ultra vires act.

Sec. 22. Notwithstanding any other law, including IC 34-14-1, a court of the state does not have jurisdiction to consider and may not award relief under any action, claim, or counterclaim that:

- (1) seeks declaratory or injunctive relief, or any type of writ, including a writ of prohibition, that would pronounce any provision or application of this article invalid or unconstitutional; or
- (2) would restrain the state, a political subdivision of the state, an officer, employee, or agent of the state or a political subdivision of the state, or any person from:



36 SECTION 17. IC 34-7-7-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This chapter
38 applies to an act in furtherance of a person's right of petition or free
39 speech under the Constitution of the United States or the Constitution
40 of the State of Indiana in connection with a public issue or an issue of
41 public interest that arises after June 30, 1998. This chapter does not
42 apply to an action that was filed and is pending before July 1, 1998.



(b) This chapter does not apply to:

(1) an enforcement action brought in the name of the state of Indiana by the attorney general, a prosecuting attorney, or another attorney acting as a public prosecutor; **or**

(2) an action brought under:

(A) IC 16-34-7-6:

(B) IC 16-34-7-9;

(C) IC 16-34-7-18; or

(D) IC 16-34-7-20.

10 SECTION 18. IC 34-13-9-0.7, AS ADDED BY P.L.4-2015,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]: Sec. 0.7. This chapter does not:

12 JULY 1, 2018]. Sec. 877. This chapter does not.
13 (1) authorize a provider to refuse to offer or provide services,
14 facilities, use of public accommodations, goods, employment, or
15 housing to any member or members of the general public on the
16 basis of race, color, religion, ancestry, age, national origin,
17 disability, sex, sexual orientation, gender identity, or United
18 States military service;

18 States military service;
19 (2) establish a defense to a civil action or criminal prosecution for
20 refusal by a provider to offer or provide services, facilities, use of
21 public accommodations, goods, employment, or housing to any
22 member or members of the general public on the basis of race,
23 color, religion, ancestry, age, national origin, disability, sex,
24 sexual orientation, gender identity, or United States military
25 service; or

25 service, or
26 **(3) limit or curtail the scope of any law of the state of Indiana**
27 **that regulates or restricts abortion or that withholds taxpayer**
28 **funds from entities that perform or promote abortions; or**
29 **(3) (4) negate any rights available under the Constitution of the**
30 **State of Indiana.**

31 SECTION 19. IC 34-13-9-2, AS ADDED BY P.L.3-2015,
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2026]: Sec. 2. **(a)** A governmental entity statute, ordinance,
34 resolution, executive or administrative order, regulation, custom, or
35 usage may not be construed to be exempt from the application of this
36 chapter unless a state statute expressly exempts the statute, ordinance,
37 resolution, executive or administrative order, regulation, custom, or
38 usage from the application of this chapter by citation to this chapter.

41 SECTION 20. IC 34-30-2.1-218.5 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: **Sec. 218.5. IC 16-34-7-21 (Concerning
2 abortion inducing drugs).**

3 SECTION 21. IC 35-46-5-1.5, AS ADDED BY P.L.213-2016,
4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 1.5. (a) As used in this section, "aborted" means
6 the termination of human pregnancy with an intention other than to
7 produce a live birth or to remove a dead fetus. The term includes
8 abortions by surgical procedures and by abortion inducing drugs **in
9 violation of IC 16-34-7.**

10 (b) As used in this section, "fetal tissue" includes tissue, organs, or
11 any other part of an aborted fetus.

12 (c) This section does not apply to the proper medical disposal of
13 fetal tissue.

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

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

