PROPOSED AMENDMENT

SB 236 # 1

DIGEST

Reporting requirements and enforcement. Removes language providing the attorney general with concurrent jurisdiction with the prosecuting attorney for an action concerning abortion inducing drugs. Removes provisions that made certain reports concerning the performance of an abortion or abortion complications a public record. Requires the Indiana department of health to send certain reports received concerning the performance of an abortion or abortion complications to the office of the inspector general instead of the attorney general. Specifies that a court may not award attorney's fees or costs in certain actions seeking declaratory or injunctive relief concerning regulatory restrictions on abortion if the award would violate the Constitution of the State of Indiana, the Constitution of the United States, or federal law. Makes technical corrections for cross-references.

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 10.

Page 9, delete line 42, begin a new paragraph and insert:

"SECTION 11. IC 16-34-2-4.7, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.7. (a) As used in this section, "abortion complication" means only the following physical or psychological conditions arising from the induction or performance of an abortion:

(1) Uterine perforation.

(2) Cervical laceration.

(3) Infection.

(4) Vaginal bleeding that qualifies as a Grade 2 or higher adverse event according to the Common Terminology Criteria for Adverse Events (CTCAE).

(5) Pulmonary embolism.

(6) Deep vein thrombosis.

(7) Failure to terminate the pregnancy.

(8) Incomplete abortion (retained tissue).

(9) Pelvic inflammatory disease.

(10) Missed ectopic pregnancy.

(11) Cardiac arrest.

(12) Respiratory arrest.

(13) Renal failure.

(14) Shock.

(15) Amniotic fluid embolism.

(16) Coma.

(17) Placenta previa in subsequent pregnancies.

(18) Pre-term delivery in subsequent pregnancies.

(19) Free fluid in the abdomen.

(20) Hemolytic reaction due to the administration of ABO-incompatible blood or blood products.

(21) Hypoglycemia occurring while the patient is being treated at the hospital or ambulatory outpatient surgical center.

(22) Allergic reaction to anesthesia. ~~or abortion inducing drugs.~~

(23) Psychological complications, including depression, suicidal ideation, anxiety, and sleeping disorders.

(24) Death.

(25) Any other adverse event as defined by criteria provided in the Food and Drug Administration Safety Information and Adverse Event Reporting Program.

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

(1) A physician licensed under IC 25-22.5.

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

(3) Beginning September 1, 2022, an ambulatory outpatient surgical center licensed under IC 16-21-2.

(c) The state department shall develop a process for the submission of a report under this section.

(d) A report under this section shall be submitted to the state department in the manner prescribed by the state department.

(e) The report under this section must include the following information concerning the abortion complication:

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

(2) The age of the patient.

(3) The race of the patient.

(4) The county and state of the patient's residence.

(5) The type of abortion obtained by the patient.

(6) The date of abortion obtained by the patient.

(7) The name of the:

(A) hospital; or

(B) ambulatory outpatient surgical center;

where the patient obtained the abortion.

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

~~(8)~~ **(9)** Whether the patient obtained abortion medication via mail order or ~~Internet web site,~~ **website,** and if so, information identifying the source of the medication.

~~(9)~~ **(10)** Whether the complication was previously managed by the abortion provider or the abortion provider's required back-up physician.

~~(10)~~ **(11)** The name of the medications taken by the patient as part of the pharmaceutical abortion regimen, if any.

~~(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.

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

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

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

(18) The location, including the facility name and city or town, where the patient presented for treatment of the abortion complication.

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

(f) The state department shall send each report received under this section to the office of the inspector general.

~~(f)~~ **(g)** 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)~~ **(h)** 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)~~ **(i)** The state department shall ensure that no identifying

information of a pregnant woman is included in the report described in subsection ~~(f).~~ **(g).**

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

~~(j)~~ **(k)** The state department shall adopt rules under IC 4-22-2 to implement this section.".

Delete pages 10 through 12.

Page 13, delete lines 1 through 5.

Page 16, line 23, delete "attorney general." and insert "**inspector general.**".

Page 16, delete lines 24 through 42.

Page 17, delete lines 1 through 4.

Page 17, line 5, delete "(i)" and insert "**(f)**".

Page 17, line 15, delete "(j)" and insert "**(g)**".

Page 17, delete lines 21 through 25.

Page 21, line 31, delete "4" and insert "**6**".

Page 22, line 1, delete "4" and insert "**6**".

Page 32, line 12, delete "5, 8, or 17" and insert "**6, 9, or 18**".

Page 36, between lines 2 and 3, begin a new paragraph and insert:

"**(j) A court may not award attorney's fees or costs under this section if the award would violate:**

(1) the Constitution of the State of Indiana;

(2) the Constitution of the United States; or

(3) federal law.".

Renumber all SECTIONS consecutively.

(Reference is to SB 236 as introduced.)