
SENATE BILL No. 236

AM023601 has been incorporated into introduced printing.

Synopsis: Abortion inducing drugs and abortion reports.

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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.

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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 16-18-2-1, AS AMENDED BY P.L.136-2013,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 1. "Abortion" means the ~~termination of human~~
 4 ~~pregnancy with an intention other than to produce a live birth or to~~
 5 ~~remove a dead fetus. The term includes abortions by surgical~~
 6 ~~procedures and by abortion inducing drugs: act of using or~~
 7 ~~prescribing an instrument, a drug, a medicine, or any other~~
 8 ~~substance, device, or means with the intent to cause the death of an~~
 9 ~~unborn child of a woman. The term does not include birth control~~
 10 ~~devices or contraceptives. An act is not an abortion if the act is~~
 11 ~~done with the intent to:~~
 12 (1) ~~save the life or preserve the health of an unborn child;~~
 13 (2) ~~remove a dead, unborn child whose death was caused by~~
 14 ~~miscarriage or stillbirth; or~~
 15 (3) ~~remove an ectopic pregnancy.~~

2026

IN 236—LS 7104/DI 107



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

- 19 (1) the mifepristone (Mifeprex) regimen;
- 20 (2) misoprostol (Cytotec); and
- 21 (3) methotrexate.

22 **The term does not include a drug, medicine, or other substance**
 23 **that may be known to cause an abortion but is prescribed,**
 24 **dispensed, or administered for other medical reasons.**

25 SECTION 3. IC 16-18-2-167, AS AMENDED BY P.L.117-2015,
 26 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]: Sec. 167. (a) "Health facility":

- 28 (1) except for purposes of IC 16-28-15, means a building, a
 29 structure, an institution, or other place for the reception,
 30 accommodation, board, care, or treatment extending beyond a
 31 continuous twenty-four (24) hour period in a week of more than
 32 four (4) individuals who need or desire such services because of
 33 physical or mental illness, infirmity, or impairment; ~~and~~
- 34 (2) for purposes of IC 16-28-15, has the meaning set forth in
 35 IC 16-28-15-3; **and**
- 36 **(3) for purposes of IC 16-34-7, has the meaning set forth in**
 37 **IC 16-34-7-3(3).**

38 (b) The term does not include the premises used for the reception,
 39 accommodation, board, care, or treatment in a household or family, for
 40 compensation, of a person related by blood to the head of the
 41 household or family (or to the spouse of the head of the household or
 42 family) within the degree of consanguinity of first cousins.

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- 1 (c) The term does not include any of the following:
- 2 (1) Hotels, motels, or mobile homes when used as such.
- 3 (2) Hospitals or mental hospitals, except for that part of a
- 4 hospital that provides long term care services and functions as a
- 5 health facility, in which case that part of the hospital is licensed
- 6 under IC 16-21-2, but in all other respects is subject to IC 16-28.
- 7 (3) Hospices that furnish inpatient care and are licensed under
- 8 IC 16-25-3.
- 9 (4) Institutions operated by the federal government.
- 10 (5) Foster family homes or day care centers.
- 11 (6) Schools for individuals who are deaf or blind.
- 12 (7) Day schools for individuals with an intellectual disability.
- 13 (8) Day care centers.
- 14 (9) Children's homes and child placement agencies.
- 15 (10) Offices of practitioners of the healing arts.
- 16 (11) Any institution in which health care services and private
- 17 duty nursing services are provided that is listed and certified by
- 18 the Commission for Accreditation of Christian Science Nursing
- 19 Organizations/Facilities, Inc.
- 20 (12) Industrial clinics providing only emergency medical
- 21 services or first aid for employees.
- 22 (13) A residential facility (as defined in IC 12-7-2-165).
- 23 (14) Maternity homes.
- 24 (15) Offices of Christian Science practitioners.
- 25 SECTION 4. IC 16-18-2-282, AS AMENDED BY P.L.93-2022,
- 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2026]: Sec. 282. (a) "Physician", except as provided in
- 28 subsections (b), (c), and (e), means a licensed physician (as defined in
- 29 section 202 of this chapter).
- 30 (b) "Physician", for purposes of IC 16-41-12, has the meaning set
- 31 forth in IC 16-41-12-7.
- 32 (c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5,
- 33 means an individual who:
- 34 (1) was the physician last in attendance (as defined in section
- 35 282.2 of this chapter); or
- 36 (2) is licensed under IC 25-22.5.
- 37 (d) "Physician", for purposes of IC 16-48-1, is subject to
- 38 IC 16-48-1-2.
- 39 (e) "Physician", for purposes of IC 16-34-6, has the meaning set
- 40 forth in IC 16-34-6-3.
- 41 (f) "Physician", for purposes of IC 16-34-7, has the meaning

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1 **set forth in IC 16-34-7-3(4).**
 2 SECTION 5. IC 16-34-1-4, AS AMENDED BY P.L.218-2021,
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2026]: Sec. 4. No:
 5 (1) physician;
 6 (2) nurse;
 7 (3) physician assistant;
 8 (4) pharmacist;
 9 (5) employee or member of the staff of a hospital or other facility
 10 in which an abortion may be performed; or
 11 (6) mental health provider;
 12 shall be required to perform an abortion, to prescribe, administer, or
 13 dispense an abortion inducing drug **in violation of IC 16-34-7**, to
 14 provide advice or counsel to a pregnant woman concerning medical
 15 procedures resulting in, or intended to result in, an abortion, to assist
 16 or participate in medical procedures resulting in, or intended to result
 17 in an abortion, or to handle or dispose of aborted remains, if that
 18 individual objects to such procedures on ethical, moral, or religious
 19 grounds.
 20 SECTION 6. IC 16-34-2-1, AS AMENDED BY THE
 21 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 22 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 1. (a) Abortion shall in all instances be a criminal
 24 act, except when performed under the following circumstances:
 25 (1) Except as prohibited in IC 16-34-4, before the earlier of
 26 viability of the fetus or twenty (20) weeks of postfertilization age
 27 of the fetus, if:
 28 (A) for reasons based upon the professional, medical
 29 judgment of the pregnant woman's physician, if either:
 30 (i) the abortion is necessary when reasonable medical
 31 judgment dictates that performing the abortion is
 32 necessary to prevent any serious health risk to the
 33 pregnant woman or to save the pregnant woman's life;
 34 or
 35 (ii) the fetus is diagnosed with a lethal fetal anomaly;
 36 (B) the abortion is performed by the physician in a hospital
 37 licensed under IC 16-21 or an ambulatory outpatient
 38 surgical center (as defined in IC 16-18-2-14) that has a
 39 majority ownership by a hospital licensed under IC 16-21;
 40 (C) the woman submitting to the abortion has filed her
 41 consent with her physician. However, if in the judgment of

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1 the physician the abortion is necessary to preserve the life
 2 of the woman, her consent is not required;
 3 (D) the woman submitting to the abortion has filed with her
 4 physician the written consent of her parent or legal guardian
 5 if required under section 4 of this chapter; and
 6 (E) before the abortion, the attending physician shall certify
 7 in writing to the hospital or ambulatory outpatient surgical
 8 center in which the abortion is to be performed, that:
 9 (i) in the attending physician's reasonable medical
 10 judgment, performing the abortion is necessary to
 11 prevent any serious health risk to the pregnant woman
 12 or to save the pregnant woman's life; or
 13 (ii) the fetus has been diagnosed with a lethal fetal
 14 anomaly.
 15 All facts and reasons supporting the certification shall be set
 16 forth by the physician in writing and attached to the
 17 certificate.
 18 However, under this article, an abortion inducing drug may not
 19 be dispensed, prescribed, administered, or otherwise given to a
 20 pregnant woman after eight (8) weeks of postfertilization age
 21 **unless the abortion inducing drug is being administered as**
 22 **part of an abortion authorized under this article or for the**
 23 **removal of a dead fetus due to miscarriage.** A physician must
 24 dispense the abortion inducing drug in person and have the
 25 pregnant woman consume the drug in the presence of the
 26 physician. A physician shall examine a pregnant woman in
 27 person before prescribing or dispensing an abortion inducing
 28 drug. The physician shall provide the pregnant woman with a
 29 copy of the manufacturer's instruction sheets and require that the
 30 pregnant woman sign the manufacturer's patient agreement form.
 31 A physician shall also provide, orally and in writing, along with
 32 other discharge information, the following statement: "Some
 33 evidence suggests that the effects of Mifepristone may be
 34 avoided, ceased, or reversed if the second pill, Misoprostol, has
 35 not been taken. Immediately contact the following for more
 36 information at (insert applicable abortion inducing drug reversal
 37 ~~Internet web site~~ **website** and corresponding hotline number)".
 38 The physician shall retain a copy of the signed patient agreement
 39 form, and the signed physician's agreement form required by the
 40 manufacturer, in the patient's file. As used in this subdivision,
 41 "in person" does not include the use of telehealth or telemedicine

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(2) Except as prohibited by IC 16-34-4, during the first ten (10) weeks of postfertilization age of the fetus, if:

- (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;
- (C) the abortion is performed in a hospital licensed under IC 16-21 or ambulatory outpatient surgical center (as defined in IC 16-18-2-14) that has a majority ownership by a hospital licensed under IC 16-21; and
- (D) before the abortion, the attending physician shall certify in writing to the ambulatory outpatient surgical center or hospital in which the abortion is to be performed, after proper examination, the abortion is being performed at the woman's request because the pregnancy is the result of rape or incest. All facts and reasons supporting the certification shall be set forth by the physician in writing and attached to the certificate.

(3) Except as provided in subsection (b) or as prohibited by IC 16-34-4, at the earlier of viability of the fetus or twenty (20) weeks of postfertilization age and any time after, for reasons based upon the professional, medical judgment of the pregnant 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

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1 physician in writing and attached to the certificate.
2 (b) A person may not knowingly or intentionally perform a partial
3 birth abortion unless a physician reasonably believes that:
4 (1) performing the partial birth abortion is necessary to save the
5 mother's life; and
6 (2) no other medical procedure is sufficient to save the mother's
7 life.
8 (c) A person may not knowingly or intentionally perform a
9 dismemberment abortion unless reasonable medical judgment dictates
10 that performing the dismemberment abortion is necessary:
11 (1) to prevent any serious health risk to the mother; or
12 (2) to save the mother's life.
13 (d) Telehealth and telemedicine may not be used to provide any
14 abortion, including the writing or filling of a prescription for any
15 purpose that is intended to result in an abortion.
16 SECTION 7. IC 16-34-2-1.5, AS AMENDED BY THE
17 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
18 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 1.5. (a) The state department shall develop an
20 informed consent brochure and post the informed consent brochure on
21 the state department's ~~Internet web site:~~ **website.**
22 (b) The state department shall develop an informed consent
23 brochure that includes the following:
24 (1) Objective scientific information concerning the probable
25 anatomical and physiological characteristics of a fetus every two
26 weeks of gestational age, including the following:
27 (A) Realistic pictures in color for each age of the fetus,
28 including the dimensions of the fetus.
29 (B) Whether there is any possibility of the fetus surviving
30 outside the womb.
31 (2) Objective scientific information concerning the medical risks
32 associated with each abortion procedure, ~~or the use of an~~
33 ~~abortion-inducing drug,~~ including the following:
34 (A) The risks of infection and hemorrhaging.
35 (B) The potential danger:
36 (i) to a subsequent pregnancy; or
37 (ii) of infertility.
38 (3) Information concerning the medical risks associated with
39 carrying the child to term.
40 (4) Information that medical assistance benefits may be available
41 for prenatal care, childbirth, and neonatal care.

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1 (5) Information that the biological father is liable for assistance
 2 in support of the child, regardless of whether the biological
 3 father has offered to pay for an abortion.
 4 (6) Information regarding telephone 211 dialing code services
 5 for accessing human services as described in IC 12-13-16, and
 6 the types of services that are available through this service.
 7 (7) Information concerning Indiana's safe haven law under
 8 IC 31-34-2.5-1.
 9 (8) Information that, under certain conditions, a pregnant woman
 10 may relinquish a child who is, or who appears to be, not more
 11 than thirty (30) days of age:
 12 (A) to an emergency medical services provider (as defined
 13 in IC 16-41-10-1); or
 14 (B) in a newborn safety device described in IC 31-34-2.5-1.
 15 (c) In the development of the informed consent brochure described
 16 in this section, the state department shall use information and pictures
 17 that are available at no cost or nominal cost to the state department.
 18 (d) The informed consent brochure must include the requirements
 19 specified in this chapter.
 20 SECTION 8. IC 16-34-2-4.5, AS AMENDED BY
 21 P.L.179-2022(ss), SECTION 25, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.5. (a) A physician
 23 may not perform an abortion ~~including an abortion using an abortion~~
 24 ~~inducing drug~~, unless the physician:
 25 (1) has admitting privileges in writing at a hospital located in the
 26 county where abortions are provided or in a contiguous county;
 27 or
 28 (2) has entered into a written agreement with a physician who
 29 has written admitting privileges at a hospital in the county or
 30 contiguous county concerning the management of possible
 31 complications of the services provided.
 32 A written agreement described in subdivision (2) must be renewed
 33 annually.
 34 (b) A physician who performs an abortion ~~including an abortion~~
 35 ~~using an abortion inducing drug~~, shall notify the patient of the location
 36 of the hospital at which the physician or a physician with whom the
 37 physician has entered into an agreement under subsection (a)(2) has
 38 admitting privileges and where the patient may receive follow-up care
 39 by the physician if complications arise.
 40 (c) A hospital or ambulatory outpatient surgical center in which
 41 abortions are performed shall:

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1 (1) keep at the hospital or ambulatory outpatient surgical center
 2 a copy of the admitting privileges of a physician described in
 3 subsection (a)(1) and (a)(2) who is performing abortions at the
 4 hospital or ambulatory outpatient surgical center; and
 5 (2) submit a copy of the admitting privileges described in
 6 subdivision (1) to the state department. The state department
 7 shall verify the validity of the admitting privileges document.
 8 The state department shall remove any identifying information
 9 from the admitting privileges document before releasing the
 10 document under IC 5-14-3.

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

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

17 (2) each hospital located in a county that is contiguous to the
 18 county described in subdivision (1);
 19 where abortions are performed.

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

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

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

- 34 (1) Uterine perforation.
- 35 (2) Cervical laceration.
- 36 (3) Infection.
- 37 (4) Vaginal bleeding that qualifies as a Grade 2 or higher
 38 adverse event according to the Common Terminology Criteria
 39 for Adverse Events (CTCAE).
- 40 (5) Pulmonary embolism.
- 41 (6) Deep vein thrombosis.

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- 1 (7) Failure to terminate the pregnancy.
- 2 (8) Incomplete abortion (retained tissue).
- 3 (9) Pelvic inflammatory disease.
- 4 (10) Missed ectopic pregnancy.
- 5 (11) Cardiac arrest.
- 6 (12) Respiratory arrest.
- 7 (13) Renal failure.
- 8 (14) Shock.
- 9 (15) Amniotic fluid embolism.
- 10 (16) Coma.
- 11 (17) Placenta previa in subsequent pregnancies.
- 12 (18) Pre-term delivery in subsequent pregnancies.
- 13 (19) Free fluid in the abdomen.
- 14 (20) Hemolytic reaction due to the administration of
- 15 ABO-incompatible blood or blood products.
- 16 (21) Hypoglycemia occurring while the patient is being treated
- 17 at the hospital or ambulatory outpatient surgical center.
- 18 (22) Allergic reaction to anesthesia. ~~or abortion inducing drugs.~~
- 19 (23) Psychological complications, including depression, suicidal
- 20 ideation, anxiety, and sleeping disorders.
- 21 (24) Death.
- 22 (25) Any other adverse event as defined by criteria provided in
- 23 the Food and Drug Administration Safety Information and
- 24 Adverse Event Reporting Program.
- 25 (b) The following persons shall report to the state department each
- 26 case in which the person treated a patient suffering from an abortion
- 27 complication:
- 28 (1) A physician licensed under IC 25-22.5.
- 29 (2) A hospital licensed under IC 16-21.
- 30 (3) Beginning September 1, 2022, an ambulatory outpatient
- 31 surgical center licensed under IC 16-21-2.
- 32 (c) The state department shall develop a process for the
- 33 submission of a report under this section.
- 34 (d) A report under this section shall be submitted to the state
- 35 department in the manner prescribed by the state department.
- 36 (e) The report under this section must include the following
- 37 information concerning the abortion complication:
- 38 (1) The date the patient presented for treatment for the abortion
- 39 complication.
- 40 (2) The age of the patient.
- 41 (3) The race of the patient.

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- 1 (4) The county and state of the patient's residence.
- 2 (5) The type of abortion obtained by the patient.
- 3 (6) The date of abortion obtained by the patient.
- 4 (7) The name of the:
- 5 (A) hospital; or
- 6 (B) ambulatory outpatient surgical center;
- 7 where the patient obtained the abortion.
- 8 **(8) Whether the abortion was performed or occurred in**
- 9 **Indiana or outside Indiana.**
- 10 ~~(8)~~ **(9)** Whether the patient obtained abortion medication via
- 11 mail order or ~~internet web site~~, **website**, and if so, information
- 12 identifying the source of the medication.
- 13 ~~(9)~~ **(10)** Whether the complication was previously managed by
- 14 the abortion provider or the abortion provider's required back-up
- 15 physician.
- 16 ~~(10)~~ **(11)** The name of the medications taken by the patient as
- 17 part of the pharmaceutical abortion regimen, if any.
- 18 ~~(11)~~ **(12)** A list of each diagnosed complication.
- 19 ~~(12)~~ **(13)** A list of each treated complication, with a description
- 20 of the treatment provided.
- 21 ~~(13)~~ **(14)** Whether the patient's visit to treat the complications
- 22 was the original visit or a follow-up visit.
- 23 ~~(14)~~ **(15)** The date of each follow-up visit, if any.
- 24 ~~(15)~~ **(16)** A list of each complication diagnosed at a follow-up
- 25 visit, if any.
- 26 ~~(16)~~ **(17)** A list of each complication treated at a follow-up visit,
- 27 if any.
- 28 **(18) The location, including the facility name and city or**
- 29 **town, where the patient presented for treatment of the**
- 30 **abortion complication.**
- 31 **(19) The full name of the health care provider who provided**
- 32 **treatment for the abortion complication.**
- 33 **(f) The state department shall send each report received under**
- 34 **this section to the office of the inspector general.**
- 35 ~~(f)~~ **(g)** On a quarterly basis, the state department shall compile a
- 36 public report summarizing the information collected under this section.
- 37 The report must include statistics for the previous calendar quarter,
- 38 with updated information for the most recent calendar quarter.
- 39 ~~(g)~~ **(h)** The state department shall summarize the aggregate data
- 40 from the data submitted under this section and submit the data, on or
- 41 before June 30 of each year, to the United States Centers for Disease

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1 Control and Prevention for its inclusion in the annual Vital Statistics
2 Report.

3 ~~(h)~~ (i) The state department shall ensure that no identifying
4 information of a pregnant woman is included in the report described in
5 subsection ~~(f)~~: (g).

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

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

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

- 26 (1) The age of the patient.
- 27 (2) **Whether parental consent was obtained** or whether a
28 waiver of consent under ~~section 4~~ of this chapter was obtained.
- 29 (3) Whether a waiver of notification under ~~section 4~~ of this
30 chapter was obtained.
- 31 (4) The date and location, including the facility name and city or
32 town, where the:
 - 33 (A) pregnant woman:
 - 34 (i) provided consent; and
 - 35 (ii) received all information;
 - 36 required under section 1.1 of this chapter; and
 - 37 (B) abortion was performed or the abortion inducing drug
38 was provided, prescribed, administered, or dispensed.
- 39 (5) The health care provider's full name and address, including
40 the name of the physicians performing the abortion or providing,
41 prescribing, administering, or dispensing the abortion inducing

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

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- 1 disability.
- 2 (E) If after the earlier of the time the fetus obtains viability
- 3 or the time the postfertilization age of the fetus is at least
- 4 twenty (20) weeks, the medical reason for the performance
- 5 of the abortion.
- 6 (22) For a surgical abortion, the **specific** medical procedure
- 7 used. ~~for the abortion and,~~ **(23)** If the fetus **was viable or** had
- 8 a postfertilization age of at least
- 9 twenty (20) weeks:
- 10 (A) whether the procedure, in the reasonable judgment of
- 11 the health care provider, gave the fetus the best opportunity
- 12 to survive;
- 13 (B) the basis for the determination that the pregnant woman
- 14 had a condition described in this chapter that required the
- 15 abortion to avert the death of or serious impairment to the
- 16 pregnant woman; and
- 17 (C) the name of the second doctor present, as required
- 18 under ~~IC 16-34-2-3(a)(3).~~ **section 3(a)(3) of this chapter.**
- 19 ~~(23)~~ **(24)** For a nonsurgical abortion, the precise drugs provided,
- 20 prescribed, administered, or dispensed, and the means of
- 21 delivery of the drugs to the patient.
- 22 ~~(24)~~ **(25)** For a nonsurgical abortion, that the manufacturer's
- 23 instructions were provided to the patient and that the patient
- 24 signed the patient agreement.
- 25 **(26) For a nonsurgical abortion, that the abortion inducing**
- 26 **drug was dispensed and consumed in the presence of the**
- 27 **physician in accordance with section 1(a) of this chapter.**
- 28 ~~(25)~~ **(27)** For an abortion performed before twenty (20) weeks of
- 29 postfertilization age of the fetus, the medical indication by
- 30 diagnosis code for the fetus and the mother.
- 31 ~~(26)~~ **(28)** The mother's obstetrical history, including dates of
- 32 other abortions, if any.
- 33 ~~(27)~~ **(29)** Any preexisting medical conditions of the patient that
- 34 may complicate the abortion.
- 35 ~~(28)~~ **(30)** The results of pathological examinations if performed.
- 36 ~~(29)~~ **(31)** For a surgical abortion, whether the fetus was delivered
- 37 alive, and if so, how long the fetus lived, **and that the physician**
- 38 **complied with the requirements in IC 16-21-2-17 and section**
- 39 **3(b) of this chapter.**
- 40 ~~(30)~~ **(32)** Records of all maternal deaths occurring at the location
- 41 where the abortion was performed or the abortion inducing drug

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1 was provided, prescribed, administered, or dispensed, **including**
 2 **the specific cause of death.**
 3 ~~(31)~~ **(33)** The date the form was transmitted to the state
 4 department and, if applicable, separately to the department of
 5 child services.
 6 **(34) The name of each person assisting with the report.**
 7 **(35) Certification by the attending physician, under the**
 8 **penalty of perjury, that the:**
 9 **(A) report was reviewed and approved by the attending**
 10 **physician;**
 11 **(B) information in the report is true and correct; and**
 12 **(C) abortion was performed in compliance with this**
 13 **article.**
 14 (b) The health care provider shall complete the form provided for
 15 in subsection (a), **including each field on the form**, and shall transmit
 16 the completed form to the state department, in the manner specified on
 17 the form, within thirty (30) days after the date of each abortion.
 18 However, if an abortion is for a female who is less than sixteen (16)
 19 years of age, the health care provider shall transmit the form to the state
 20 department and separately to the department of child services within
 21 three (3) days after the abortion is performed.
 22 (c) The dates supplied on the form may not be redacted for any
 23 reason before the form is transmitted as provided in this section.
 24 (d) Each failure to complete or timely transmit a form, as required
 25 under this section, for each abortion performed or abortion inducing
 26 drug that was provided, prescribed, administered, or dispensed, is a
 27 Class B misdemeanor.
 28 **(e) An incomplete form transmitted to the state department**
 29 **under subsection (b) is subject to investigation by the state**
 30 **department and the office of the inspector general.**
 31 ~~(e)~~ **(f)** On a quarterly basis, the state department shall compile a
 32 public report providing the following:
 33 (1) Statistics for the previous calendar quarter from the
 34 information submitted under this section.
 35 (2) Statistics for previous calendar years compiled by the state
 36 department under this subsection, with updated information for
 37 the calendar quarter that was submitted to the state department
 38 after the compilation of the statistics.
 39 The state department shall ensure that no identifying information of a
 40 pregnant woman is contained in the report.
 41 ~~(f)~~ **(g)** The state department shall:
 42 (1) summarize aggregate data from all data submitted under this

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

5 SECTION 10. IC 16-34-3-2, AS AMENDED BY
6 P.L.179-2022(ss), SECTION 29, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A pregnant
8 woman who has an abortion under this article has the right to have the
9 hospital or ambulatory outpatient surgical center dispose of the aborted
10 fetus by interment in compliance with IC 23-14-54, or cremation
11 through a licensee (as defined in IC 25-15-2-19) and in compliance
12 with IC 23-14-31. The pregnant woman who selects to have the
13 hospital or ambulatory outpatient surgical center dispose of the aborted
14 fetus has the right to ask which method will be used by the hospital or
15 ambulatory outpatient surgical center.

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

- 20 (1) in writing; and
 - 21 (2) on a form prescribed by the state department;
- 22 of the pregnant woman's decision for final disposition of the aborted
23 fetus by cremation or interment, ~~and, in an abortion induced by an~~
24 ~~abortion inducing drug, whether the pregnant woman will return the~~
25 ~~aborted fetus to the hospital or ambulatory outpatient surgical center~~
26 ~~for disposition by interment~~ in compliance with IC 23-14-54, or
27 cremation through a licensee (as defined in IC 25-15-2-19) and in
28 compliance with IC 23-14-31.

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

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

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

41 SECTION 11. IC 16-34-3-4, AS AMENDED BY

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

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

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

14 Aborted fetuses may be cremated by simultaneous cremation.

15 (b) If the hospital or ambulatory outpatient surgical center
 16 conducts the cremation of aborted fetal remains on site, the hospital or
 17 ambulatory outpatient surgical center must comply with all state laws
 18 concerning the cremation of human remains as prescribed in
 19 IC 23-14-31. The hospital or ambulatory outpatient surgical center
 20 must make the onsite cremation equipment available to the state
 21 department for inspection at the time the hospital or ambulatory
 22 outpatient surgical center is inspected. When the hospital or
 23 ambulatory outpatient surgical center contracts with a licensed funeral
 24 home for the disposal of the aborted fetal remains, the contract must be
 25 made available for review by the state department at the time the
 26 hospital or ambulatory outpatient surgical center is inspected.

27 (c) Except in extraordinary circumstances where the required
 28 information is unavailable or unknown, a burial transit permit issued
 29 under IC 16-37-3 that includes multiple fetal remains must be
 30 accompanied by a log prescribed by the state department containing the
 31 following information about each fetus included under the burial transit
 32 permit:

33 (1) The date of the abortion.

34 ~~(2) Whether the abortion was surgical or induced by an abortion~~
 35 ~~inducing drug.~~

36 ~~(3)~~ (2) The name of the funeral director licensee who will be
 37 retrieving the aborted fetus.

38 ~~(4) In the case of an abortion induced by an abortion inducing~~
 39 ~~drug:~~

40 ~~(A) whether the pregnant woman will cremate or inter the~~
 41 ~~fetus, or will return the fetus to the hospital or ambulatory~~

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1 outpatient surgical center for disposition; and
 2 (B) if the pregnant woman returns the fetus to the hospital
 3 or ambulatory outpatient surgical center, whether the
 4 returned fetus is included in the burial transit permit.

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

7 (d) Each time the fetal remains are transported from one entity to
 8 another for disposition, the entity receiving the fetal remains must
 9 confirm that the number of fetal remains matches the information
 10 contained in the burial transit permit and accompanying log. After final
 11 disposition, a copy of the log will be sent back to the hospital or
 12 ambulatory outpatient surgical center. The final log will be attached to
 13 the original log described in subsection (c) and will be made available
 14 for review by the state department at the time of inspection.

15 (e) A hospital or ambulatory outpatient surgical center is
 16 responsible for demonstrating to the state department that the hospital
 17 or ambulatory outpatient surgical center has complied with the protocol
 18 provided in this section.

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

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

25 SECTION 12. IC 16-34-7 IS ADDED TO THE INDIANA CODE
 26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]:

28 **Chapter 7. Abortion Inducing Drugs**

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

- 31 **(1) a hospital or health facility licensed, owned, maintained,**
 32 **or operated by the state;**
- 33 **(2) a physician or health care provider who is:**
 - 34 **(A) licensed by the state; and**
 - 35 **(B) located in Indiana;**
- 36 **(3) an Internet service provider or an affiliate of subsidiary**
 37 **of an Internet service provider;**
- 38 **(4) an Internet service engine;**
- 39 **(5) a cloud service provider providing access or connection**
 40 **to or from:**
 - 41 **(A) a website;**
 - 42 **(B) other information or content on the Internet;**

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

- 3 (i) transmission;
4 (ii) downloading;
5 (iii) intermediate storage; or
6 (iv) access software.

7 (b) This chapter does not apply to the transport of an abortion
8 inducing drug from a person in another state in continuous transit
9 through Indiana to a person in another state.

10 Sec. 2. This chapter may not be construed to require the actual
11 performance, inducement, or attempted performance of an
12 abortion in order for a person to bring a civil action under this
13 chapter.

14 Sec. 3. The following definitions apply throughout this
15 chapter:

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

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

20 (3) "Health facility" means a building, a structure, a
21 institution, or other place for the reception, accommodation,
22 board, care, or treatment extending beyond a continuous
23 twenty-four (24) hour period in a week of more than four (4)
24 individuals who need or desire such services because of
25 physical or mental illness, infirmity, or impairment. The
26 term does not include a hospital.

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

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

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

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

37 (b) Subsection (a) does not prohibit:

38 (1) speech or conduct protected by the First Amendment to
39 the Constitution of the United States, as made applicable to
40 the states through the United States Supreme Court's
41 interpretation of the Fourteenth Amendment to the
42 Constitution of the United States, or protected by Article 1,

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1 **Section 9 of the Constitution of the State of Indiana;**
 2 **(2) conduct that a pregnant woman takes in the course of**
 3 **aborting or attempting to abort the woman's unborn child;**
 4 **(3) the manufacture, distribution, mailing, transport,**
 5 **delivery, prescribing, provision, or possession of an abortion**
 6 **inducing drug solely for purposes that do not include**
 7 **performing, inducing, attempting, assisting, or aiding or**
 8 **abetting an illegal abortion; or**
 9 **(4) conduct that a person takes under the direction of a**
 10 **federal agency, contractor, or employee to carry out a duty**
 11 **under federal law, if prohibiting that conduct would violate**
 12 **the doctrine of preemption or intergovernmental immunity.**

13 **Sec. 5. (a) Notwithstanding any other law, the prohibitions in**
 14 **section 4 of this chapter may be enforced only through a wrongful**
 15 **death action brought under section 6 of this chapter or a qui tam**
 16 **action brought under section 9 of this chapter.**

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

- 19 **(1) the State of Indiana;**
- 20 **(2) a political subdivision of the state;**
- 21 **(3) a prosecuting attorney;**
- 22 **(4) a county attorney;**
- 23 **(5) any officer or employee of the state; or**
- 24 **(6) any officer or employee of a political subdivision of the**
 25 **state;**

26 **against any person, except through a wrongful death action**
 27 **brought under section 6 of this chapter or a qui tam action brought**
 28 **under section 9 of this chapter.**

29 **(c) This section does not preclude or limit the enforcement of**
 30 **any other law or regulation against conduct that is independently**
 31 **prohibited by the other law or regulation and that would remain**
 32 **prohibited by the other law or regulation in the absence of section**
 33 **4 of this chapter.**

34 **Sec. 6. (a) Notwithstanding any other law, and except as**
 35 **provided in subsections (b) and (f), a person who manufactures,**
 36 **distributes, mails, transports, delivers, prescribes, or provides an**
 37 **abortion inducing drug, or who aids or abets the manufacture,**
 38 **distribution, mailing, transportation, delivery, prescription, or**
 39 **provision of an abortion inducing drug, is strictly, absolutely, and**
 40 **jointly and severally liable for:**

- 41 **(1) the wrongful death of an unborn child or pregnant**
 42 **woman from the use of the abortion inducing drug; and**

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- 1 **(2) personal injury of an unborn child or pregnant woman**
- 2 **from the use of the abortion inducing drug.**
- 3 **(b) A claimant may not bring an action under this section if the**
- 4 **action is preempted by 47 U.S.C. 230(c).**
- 5 **(c) A person who engages in conduct described by subsection**
- 6 **(a) is liable for damages resulting from the death or personal**
- 7 **injury sustained by an unborn child or pregnant woman if the**
- 8 **person's conduct contributed in any way to the death or injury,**
- 9 **regardless of whether the person's conduct was the actual or**
- 10 **proximate cause of the death or injury.**
- 11 **(d) Notwithstanding any other law, the mother or father of an**
- 12 **unborn child may bring a civil action under this section for the**
- 13 **wrongful death of the unborn child from the use of an abortion**
- 14 **inducing drug, regardless of whether the other parent brings a civil**
- 15 **action for the wrongful death. The biological father of an unborn**
- 16 **child may bring the action regardless of whether the father was**
- 17 **married to the unborn child's mother at the time of the unborn**
- 18 **child's conception or death.**
- 19 **(e) Notwithstanding any other law, a civil action may not be**
- 20 **brought under this section:**
- 21 **(1) against the woman who used or sought to obtain abortion**
- 22 **inducing drugs to abort or attempt to abort her unborn**
- 23 **child;**
- 24 **(2) against a person that acted under the direction of a**
- 25 **federal agency, contractor, or employee who is carrying out**
- 26 **duties under federal law if the imposition of liability would**
- 27 **violate the doctrine of preemption or intergovernmental**
- 28 **immunity;**
- 29 **(3) by any person who has committed a sex crime as defined**
- 30 **in IC 35-42-4, or by another person who acts in concert or**
- 31 **participation with such a person;**
- 32 **(4) against a transportation network company or a driver for**
- 33 **using a transportation network company's digital network to**
- 34 **provide a digitally prearranged ride;**
- 35 **(5) against a delivery network company or a DNC driver for**
- 36 **using a delivery network company's digital network to**
- 37 **provide a digitally prearranged delivery;**
- 38 **(6) against a person described in section 1 of this chapter; or**
- 39 **(7) against a common carrier that took every reasonable**
- 40 **precaution to ensure that the common carrier would not**
- 41 **manufacture, distribute, mail, transport, deliver, prescribe,**
- 42 **provide, possess, or aid or abet the manufacture,**

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

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

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

16 (1) was unaware the defendant was engaged in the conduct
 17 described by section 6(a) of this chapter; and

18 (2) took every reasonable precaution to ensure the defendant
 19 would not manufacture, distribute, mail, transport, deliver,
 20 prescribe, provide, or possess abortion inducing drugs.

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

23 (c) Notwithstanding any other law, the following are not a
 24 defense to an action brought under section 6 of this chapter:

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

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

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

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

42 (5) The laws of another state or jurisdiction, including an

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- 1 **abortion shield law, unless the Constitution of the State of**
 2 **Indiana or federal law compels the court to enforce that law.**
 3 **(6) Nonmutual issue preclusion or nonmutual claim**
 4 **preclusion.**
 5 **(7) The consent of the claimant or the unborn child's mother**
 6 **to the abortion.**
 7 **(8) Contributory or comparative negligence.**
 8 **(9) Assumption of risk.**
 9 **(10) Lack of actual or proximate cause.**
 10 **(11) Sovereign immunity, governmental immunity, or official**
 11 **immunity, except that sovereign immunity, governmental**
 12 **immunity, or official immunity is not waived for:**
 13 **(A) a hospital owned and operated by the state that**
 14 **facilitates or makes available abortion inducing drugs**
 15 **solely for purposes that do not include performing,**
 16 **inducing, attempting, assisting, or aiding or abetting an**
 17 **illegal abortion; or**
 18 **(B) a political subdivision, including a hospital district,**
 19 **that facilitates or makes available abortion inducing**
 20 **drugs solely for purposes that do not include**
 21 **performing, inducing, attempting, assisting, or aiding or**
 22 **abetting an illegal abortion.**
 23 **(12) A claim that the enforcement of this chapter or the**
 24 **imposition of civil liability against the defendant will violate**
 25 **the constitutional or federally protected rights of third**
 26 **parties.**
 27 **Sec. 8. (a) Notwithstanding any other law, and except as**
 28 **provided in subsection (b), if a claimant who brings an action**
 29 **under section 6 of this chapter is unable to identify the specific**
 30 **manufacturer of the abortion inducing drug that caused the death**
 31 **or injury that is the basis for the action, the liability is apportioned**
 32 **among all manufacturers of abortion inducing drugs in proportion**
 33 **to each manufacturer's share of the national market for abortion**
 34 **inducing drugs at the time the death or injury occurred.**
 35 **(b) A manufacturer is not subject to liability under this section**
 36 **if it manufactures abortion inducing drugs solely for purposes that**
 37 **do not include performing, inducing, attempting, or assisting, or**
 38 **aiding or abetting an illegal abortion.**
 39 **Sec. 9. (a) A person, other than the state of Indiana, a political**
 40 **subdivision of the state, or an officer or employee of the state or a**
 41 **political subdivision of the state, has standing to bring and may**
 42 **bring a qui tam action against any person who:**

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- 1 (1) violates section 4 of this chapter; or
- 2 (2) intends to violate section 4 of this chapter.
- 3 (b) An action brought under this section must be brought in
- 4 the name of the qui tam relator, who is an assignee of the state's
- 5 claim for relief. Notwithstanding any other law, the transfer of the
- 6 state's claim to the qui tam relator is absolute, with the state
- 7 retaining no interest in the subject matter of the claim.
- 8 (c) A qui tam relator may not bring an action under this
- 9 section if the action is preempted by 47 U.S.C. 230(c).
- 10 (d) A qui tam action may not be brought under this section:
- 11 (1) against a woman for using, obtaining, or seeking to obtain
- 12 abortion inducing drugs to abort or attempt to abort her
- 13 unborn child;
- 14 (2) against a person acting under the direction of a federal
- 15 agency, contractor, or employee who is carrying out a duty
- 16 under federal law if the imposition of liability would violate
- 17 the doctrine of preemption or intergovernmental immunity;
- 18 (3) by any person who has committed a sex crime as defined
- 19 in IC 35-42-4, or by another person who acts in concert or
- 20 participation with such a person;
- 21 (4) against a transportation network company or a driver for
- 22 using a transportation network company's digital network to
- 23 provide a digitally prearranged ride;
- 24 (5) against a delivery network company or a DNC driver for
- 25 using a delivery network company's digital network to
- 26 provide a digitally prearranged delivery;
- 27 (6) against a person described in section 1 of this chapter; or
- 28 (7) against a common carrier that took reasonable
- 29 precautions to ensure that the common carrier would not
- 30 manufacture, distribute, mail, transport, deliver, prescribe,
- 31 provide, possess, or aid or abet the manufacture,
- 32 distribution, mailing, transportation, delivery, prescription,
- 33 provision, or possession of abortion inducing drugs for the
- 34 purpose of performing, inducing, attempting, or assisting an
- 35 illegal abortion, including by adopting a policy that the
- 36 common carrier will not manufacture, distribute, mail,
- 37 transport, deliver, prescribe, provide, possess, or aid or abet
- 38 the manufacture, distribution, mailing, transportation,
- 39 delivery, prescription, provision, or possession of abortion
- 40 inducing drugs for this purpose.
- 41 (e) Notwithstanding any other law, including Trial Rule 23 of
- 42 the Indiana Rules of Trial Procedure, an action brought under this

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1 section may not be litigated on behalf of a claimant class or a
2 defendant class, and a court may not certify a class in the action.

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

5 (1) was unaware the defendant was engaged in the conduct
6 prohibited by section 4 of this chapter; and

7 (2) took reasonable precautions to ensure the defendant
8 would not violate section 4 of this chapter.

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

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

13 (1) A defendant's ignorance or mistake of law, including a
14 defendant's mistaken belief that the requirements or
15 provisions of this chapter are unconstitutional or were
16 unconstitutional.

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

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

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

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

32 (6) Nonmutual issue preclusion or nonmutual claim
33 preclusion.

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

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

42 (B) a political subdivision, including a hospital district,

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1 that facilitates or makes available abortion inducing
 2 drugs solely for purposes that do not include
 3 performing, inducing, attempting, assisting, or aiding or
 4 abetting an illegal abortion.

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

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

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

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

17 (2) an amount of not less than one hundred thousand dollars
 18 (\$100,000) for each violation of section 4 of this chapter; and

19 (3) costs and reasonable attorney's fees.

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

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

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

28 (c) Notwithstanding any other law, a court may not award
 29 costs or attorney's fees to a defendant against whom an action is
 30 brought under section 6 or 9 of this chapter except:

31 (1) in response to frivolous, malicious, or bad faith conduct;
 32 or

33 (2) as required by federal law.

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

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

39 (1) the imposition of civil liability on the defendant will
 40 violate the defendant's rights under federal law, including
 41 the Constitution of the United States;

42 (2) the defendant:

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- 1 (A) has standing to assert the rights of a third party
 2 under the tests for third party standing established by
 3 the United States Supreme Court; and
 4 (B) demonstrates that the imposition of civil liability on
 5 the defendant will violate the third party's rights under
 6 federal law, including the Constitution of the United
 7 States;
 8 (3) the imposition of civil liability on the defendant will
 9 violate the defendant's rights under the Constitution of the
 10 State of Indiana; or
 11 (4) the imposition of civil liability on the defendant will
 12 violate limits on extraterritorial jurisdiction imposed by the
 13 Constitution of the United States or the Constitution of the
 14 State of Indiana.
 15 (b) The defendant has the burden of proving an affirmative
 16 defense under subsection (a) by a preponderance of the evidence.
 17 (c) Notwithstanding any other law, this chapter does not
 18 impose liability for:
 19 (1) death or personal injury resulting from an abortion
 20 described in IC 16-34-2-1(a)(1), IC 16-34-2-1(a)(2), or
 21 IC 16-34-2-1(a)(3);
 22 (2) the manufacture, distribution, mailing, transportation,
 23 delivery, prescription, provision, or possession of an abortion
 24 inducing drug for the purpose of performing, inducing,
 25 attempting, or assisting, or aiding or abetting an abortion
 26 described in IC 16-34-2-1(a)(1), IC 16-34-2-1(a)(2), or
 27 IC 16-34-2-1(a)(3);
 28 (3) speech or conduct protected by the First Amendment to
 29 the Constitution of the United States, as made applicable to
 30 the states through the United States Supreme Court's
 31 interpretation of the Fourteenth Amendment to the
 32 Constitution of the United States, or protected by Article 1,
 33 Section 9 of the Constitution of the State of Indiana;
 34 (4) conduct that this state is prohibited from regulating
 35 under the Constitution of the State of Indiana or federal law,
 36 including the Constitution of the United States;
 37 (5) conduct taken by a pregnant woman in the course of
 38 aborting or seeking to abort her unborn child; or
 39 (6) conduct that a person engages in under the direction of a
 40 federal agency, contractor, or employee to carry out a duty
 41 under federal law, if a prohibition on that conduct would
 42 violate the doctrine of preemption or intergovernmental

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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:

- (1)** act in concert or participation with a claimant bringing an action under section 6 or 9 of this chapter;
- (2)** establish or attempt to establish any type of agency or fiduciary relationship with a claimant bringing an action under section 6 or 9 of this chapter;
- (3)** attempt to control or influence a person's decision to bring an action under section 6 or 9 of this chapter or that person's conduct of the litigation; or
- (4)** intervene in an action brought under section 6 or 9 of this chapter

(b) This section does not prohibit the state, a political subdivision of the state, or an officer or employee of the state or a

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1 political subdivision of the state from filing an amicus curiae brief
 2 in an action brought under section 6 or 9 of this chapter if the state,
 3 the political subdivision, the officer, or the employee does not act
 4 in concert or participation with the claimant who brings the action.

5 Sec. 17. (a) Notwithstanding any other law, including the
 6 Indiana Rules of Trial Procedure, an action brought under section
 7 6 or 9 of this chapter may be brought in:

8 (1) the county in which all or a substantial part of the events
 9 or omissions giving rise to the claim occurred;

10 (2) the county of a defendant's residence at the time the cause
 11 of action accrued if a defendant is an individual;

12 (3) the county of the principal office in the state of a
 13 defendant that is not an individual; or

14 (4) the county of the claimant's residence if the claimant is an
 15 individual residing in Indiana.

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

20 (c) Notwithstanding any other law, any contractual
 21 choice-of-forum provision that requires or purports to require an
 22 action brought under section 6 or 9 of this chapter to be litigated
 23 in a particular forum is void based on the state's public policy and
 24 is not enforceable in any court.

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

28 (b) Except as provided by subsection (c), the attorney general
 29 may bring an action for damages or injunctive relief on behalf of
 30 an unborn child of a resident of Indiana against any person who,
 31 with the intent of performing, inducing, attempting, assisting, or
 32 aiding or abetting an illegal abortion:

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

36 (A) any article or thing designed, adapted, or intended
 37 for producing abortion; or

38 (B) any article, instrument, substance, drug, medicine,
 39 or thing which is advertised or described in a manner
 40 calculated to lead another to use or apply it for
 41 producing abortion;

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

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- 1 **(A) using any express company or other common carrier**
- 2 **or interactive computer service for carriage in interstate**
- 3 **or foreign commerce of any drug, medicine, article, or**
- 4 **thing designed, adapted, or intended for producing**
- 5 **abortion; or**
- 6 **(B) knowingly taking or receiving, from such express**
- 7 **company or other common carrier or interactive**
- 8 **computer service, any matter or thing described in**
- 9 **subdivision (1); or**
- 10 **(3) aids or abets the violations of 18 U.S.C. 1461 or 18 U.S.C.**
- 11 **1462 described in subdivisions (1) and (2).**
- 12 **(c) Notwithstanding any other law, an action under this section**
- 13 **may not be brought:**
- 14 **(1) against a woman for conduct taken in the course of**
- 15 **aborting or seeking to abort her unborn child;**
- 16 **(2) against a person that acted under the direction of a**
- 17 **federal agency, contractor, or employee who is carrying out**
- 18 **duties under federal law if the imposition of liability would**
- 19 **violate the doctrine of preemption or intergovernmental**
- 20 **immunity;**
- 21 **(3) against a transportation network company or a driver for**
- 22 **using a transportation network company's digital network to**
- 23 **provide a digitally prearranged ride;**
- 24 **(4) against a delivery network company or a DNC driver for**
- 25 **using a delivery network company's digital network to**
- 26 **provide a digitally prearranged delivery;**
- 27 **(5) against a person described in section 1 of this chapter; or**
- 28 **(6) against a common carrier that took every reasonable**
- 29 **precaution to ensure that the common carrier would not**
- 30 **manufacture, distribute, mail, transport, deliver, prescribe,**
- 31 **provide, possess, or aid or abet the manufacture,**
- 32 **distribution, mailing, transportation, delivery, prescription,**
- 33 **provision, or possession of abortion inducing drugs for the**
- 34 **purpose of performing, inducing, attempting, or assisting an**
- 35 **illegal abortion, including by adopting a policy that the**
- 36 **common carrier will not manufacture, distribute, mail,**
- 37 **transport, deliver, prescribe, provide, possess, or aid or abet**
- 38 **the manufacture, distribution, mailing, transportation,**
- 39 **delivery, prescription, provision, or possession of abortion**
- 40 **inducing drugs for this purpose.**
- 41 **Sec. 19. (a) For purposes of this section, "clawback provision"**
- 42 **refers to any law of another state or jurisdiction that authorizes the**

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- 1 **bringing of a civil action against a person for:**
 2 (1) bringing or engaging in an action authorized by this
 3 chapter, including an action brought under section 6, 9, or 18
 4 of this chapter;
 5 (2) bringing or engaging in an action that alleges a violation
 6 of any federal or state abortion law;
 7 (3) attempting, intending, or threatening to bring or engage
 8 in an action described by subdivision (1) or (2); or
 9 (4) providing legal representation or any type of assistance
 10 to a person who brings or engages in an action described by
 11 subdivision (1) or (2).
 12 (b) Notwithstanding any other law and except as otherwise
 13 provided by federal law or the Constitution of the State of Indiana,
 14 Indiana law applies to:
 15 (1) conduct described by subsection (a);
 16 (2) an action brought against a person for engaging in
 17 conduct described by subsection (a);
 18 (3) an action brought under a clawback provision against a
 19 resident of Indiana; and
 20 (4) an action brought under subsection (f).
 21 (c) Notwithstanding any other law, in an action described by
 22 subsection (a)(1), the court shall, on request, issue a temporary,
 23 preliminary, or permanent injunction that restrains each
 24 defendant in the action, each person in privity with the defendant,
 25 and each person with whom the defendant is in active concert or
 26 participation from:
 27 (1) bringing an action under any clawback provision against
 28 a claimant or prosecutor, a person in privity with the
 29 claimant or prosecutor, or a person providing legal
 30 representation or any type of assistance to the claimant or
 31 prosecutor; and
 32 (2) continuing to litigate an action under any clawback
 33 provision that has been brought against a claimant or
 34 prosecutor, a person in privity with the claimant or
 35 prosecutor, or a person providing legal representation or any
 36 type of assistance to the claimant or prosecutor.
 37 (d) Notwithstanding any other law, the doctrines of res
 38 judicata and collateral estoppel preclude a defendant against
 39 whom a judgment is entered in an action described by subsection
 40 (a)(1) and each person in privity with the defendant from litigating
 41 or relitigating any claim or issue under any clawback provision
 42 against a claimant, prosecutor, or person in privity with the

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1 claimant or prosecutor that was raised or could have been raised
 2 as a claim, cross-claim, counterclaim, or affirmative defense under
 3 the Federal or Indiana Rules of Civil Procedure.

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

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

16 (1) compensatory damages, including money damages in an
 17 amount equal to the judgment damages and costs, expenses,
 18 and reasonable attorney's fees spent in defending the action;

19 (2) costs, expenses, and reasonable attorney's fees incurred
 20 in bringing an action under this subsection;

21 (3) additional amounts consisting of the greater of:

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

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

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

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

34 (B) continuing to litigate any actions brought under a
 35 clawback provision against the persons described by
 36 clause (A); and

37 (C) enforcing or attempting to enforce any judgment
 38 obtained in any actions brought under a clawback
 39 provision against the persons described by clause (A).

40 (g) It is not a defense to an action brought under subsection (f)
 41 that:

42 (1) the claimant failed to seek recovery under subsection (f)

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1 in an action brought against the claimant under a clawback
2 provision; or

3 (2) a court in a preceding action brought against the
4 claimant declined to recognize or enforce subsection (f) or
5 held any provision of that subsection invalid,
6 unconstitutional, or preempted by federal law,
7 notwithstanding the doctrines of issue or claim preclusion.

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

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

23 (b) For purposes of this section, a party is considered a
24 prevailing party if:

25 (1) a state or federal court dismisses a claim or cause of
26 action brought against the party by a litigant that seeks the
27 declaratory or injunctive relief described by subsection (a),
28 regardless of the reason for the dismissal;

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

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

35 (c) A prevailing party may recover costs and reasonable
36 attorney's fees under this section only to the extent that the costs
37 and attorney's fees were incurred while defending claims or causes
38 of action on which the party prevailed.

39 (d) Regardless of whether a prevailing party sought to recover
40 costs or attorney's fees in the underlying action, a prevailing party
41 under this section may bring a civil action to recover costs and
42 attorney's fees against a person, including an entity, attorney, or

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1 law firm, who sought declaratory or injunctive relief described by
 2 subsection (a) not later than three (3) years after the date on which,
 3 as applicable:

- 4 (1) the dismissal or judgment described by subsection (b)
 5 becomes final on the conclusion of appellate review; or
 6 (2) the time for seeking appellate review expires.

7 (e) It is not a defense to a civil action brought under subsection
 8 (d) that:

- 9 (1) a prevailing party under this section failed to seek
 10 recovery of costs or attorney's fees in the underlying action;
 11 (2) the court in the underlying action declined to recognize or
 12 enforce this section; or
 13 (3) the court in the underlying action held that any
 14 provisions of this section are invalid, unconstitutional, or
 15 preempted by federal law, notwithstanding the doctrine of
 16 issue or claim preclusion.

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

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

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

30 (h) Notwithstanding any other law, any contractual
 31 choice-of-forum provision that purports to require a civil action
 32 under subsection (d) be litigated in another forum is void based on
 33 the state's public policy and is not enforceable in any state or
 34 federal court.

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

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

- 39 (1) the Constitution of the State of Indiana;
 40 (2) the Constitution of the United States; or
 41 (3) federal law.

42 Sec. 21. (a) Notwithstanding any other law, the state has

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1 sovereign immunity, a political subdivision of the state has
 2 governmental immunity, and an officer or employee of the state or
 3 a political subdivision of the state has official immunity (as well as
 4 sovereign or governmental immunity, as appropriate) in an action,
 5 claim, counterclaim, or any other type of legal or equitable action
 6 that:

7 (1) challenges the validity of any provision or application of
 8 this chapter, on constitutional grounds or otherwise; or

9 (2) seeks to prevent or enjoin the state, a political subdivision
 10 of the state, or an officer, employee, or agent of the state or
 11 a political subdivision of the state from:

12 (A) enforcing any provision or application of this
 13 chapter; or

14 (B) filing, hearing, adjudicating, or docketing an action
 15 brought under section 6, 9, 18, or 20 of this chapter.

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

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

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

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

33 (1) seeks declaratory or injunctive relief, or any type of writ,
 34 including a writ of prohibition, that would pronounce any
 35 provision or application of this article invalid or
 36 unconstitutional; or

37 (2) would restrain the state, a political subdivision of the
 38 state, an officer, employee, or agent of the state or a political
 39 subdivision of the state, or any person from:

40 (A) enforcing any provision or application of this article;
 41 or

42 (B) filing, hearing, adjudicating, or docketing an action

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1 **brought under section 6, 9, 18, or 20 of this chapter.**
 2 **Sec. 23. This chapter may not be construed to prevent a**
 3 **litigant from asserting the invalidity or unconstitutionality of a**
 4 **provision or application of this chapter as a defense to an action,**
 5 **claim, or counterclaim brought against the litigant.**

6 SECTION 13. IC 34-6-2.1-84, AS AMENDED BY P.L.186-2025,
 7 SECTION 274, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 84. (a) "Health care services":

9 (1) except as provided in subdivision (2), for purposes of
 10 IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a); and
 11 (2) for purposes of IC 34-30-13-1.2, means only noninvasive
 12 examinations, treatments, and procedures and the following
 13 invasive procedures:

- 14 (A) Routine dental services.
- 15 (B) Injections.
- 16 (C) Suturing of minor lacerations.
- 17 (D) Incisions of boils or superficial abscesses.

18 The term does not include performance of an abortion, including
 19 abortion by surgical means, by use of an abortion inducing drug
 20 **in violation of IC 16-34-7**, or by prescribing a controlled
 21 substance or scheduled drug under IC 35-48.

22 (b) "Health care services", for purposes of IC 34-30-13.5, means:

- 23 (1) any services provided by an individual licensed under:
 - 24 (A) IC 25-2.5;
 - 25 (B) IC 25-10;
 - 26 (C) IC 25-13;
 - 27 (D) IC 25-14;
 - 28 (E) IC 25-19;
 - 29 (F) IC 25-22.5;
 - 30 (G) IC 25-23;
 - 31 (H) IC 25-23.5;
 - 32 (I) IC 25-23.6;
 - 33 (J) IC 25-24;
 - 34 (K) IC 25-26;
 - 35 (L) IC 25-27;
 - 36 (M) IC 25-27.5;
 - 37 (N) IC 25-29;
 - 38 (O) IC 25-33;
 - 39 (P) IC 25-34.5; or
 - 40 (Q) IC 25-35.6;

41 (2) services provided as the result of hospitalization, to an
 42 individual admitted to a health facility licensed under IC 16-28,

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- 1 or to a person residing in a housing with services establishment
 2 (as defined by IC 12-10-15-3);
 3 (3) services incidental to the furnishing of services described in
 4 ~~subdivisions~~ **subdivision** (1) or (2);
 5 (4) any services by individuals:
 6 (A) licensed as paramedics;
 7 (B) certified as advanced emergency medical technicians;
 8 or
 9 (C) certified as emergency medical technicians under
 10 IC 16-31;
 11 (5) any services provided by individuals certified as emergency
 12 medical responders under IC 16-31;
 13 (6) any services provided by certified health care professionals
 14 who are registered with the Indiana department of health and the
 15 certified health care professions commission, including:
 16 (A) certified nurse aides certified under IC 16-27.5-3;
 17 (B) qualified medication aides certified under IC 16-27.5-4;
 18 and
 19 (C) home health aides registered under rules adopted under
 20 IC 16-27.5-5;
 21 (7) any services provided by unlicensed health care professionals
 22 who have successfully completed any applicable training
 23 required by the Indiana department of health;
 24 (8) any services provided by health care volunteers who are
 25 permitted to practice during an event that is declared a disaster
 26 emergency under IC 10-14-3-12 to respond to COVID-19;
 27 (9) any services provided by individuals with provisional or
 28 temporary licenses who are permitted to practice during an event
 29 that is declared a disaster emergency under IC 10-14-3-12 to
 30 respond to COVID-19; or
 31 (10) any other services or goods furnished for the purpose of
 32 preventing, alleviating, curing, or healing human illness,
 33 physical disability, or injury.
 34 SECTION 14. IC 34-7-7-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This chapter
 36 applies to an act in furtherance of a person's right of petition or free
 37 speech under the Constitution of the United States or the Constitution
 38 of the State of Indiana in connection with a public issue or an issue of
 39 public interest that arises after June 30, 1998. This chapter does not
 40 apply to an action that was filed and is pending before July 1, 1998.
 41 (b) This chapter does not apply to:

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- 1 (1) an enforcement action brought in the name of the state of
- 2 Indiana by the attorney general, a prosecuting attorney, or
- 3 another attorney acting as a public prosecutor; **or**
- 4 **(2) an action brought under:**
- 5 **(A) IC 16-34-7-6;**
- 6 **(B) IC 16-34-7-9;**
- 7 **(C) IC 16-34-7-18; or**
- 8 **(D) IC 16-34-7-20.**

9 SECTION 15. IC 34-13-9-0.7, AS ADDED BY P.L.4-2015,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2026]: Sec. 0.7. This chapter does not:

- 12 (1) authorize a provider to refuse to offer or provide services,
- 13 facilities, use of public accommodations, goods, employment, or
- 14 housing to any member or members of the general public on the
- 15 basis of race, color, religion, ancestry, age, national origin,
- 16 disability, sex, sexual orientation, gender identity, or United
- 17 States military service;
- 18 (2) establish a defense to a civil action or criminal prosecution
- 19 for refusal by a provider to offer or provide services, facilities,
- 20 use of public accommodations, goods, employment, or housing
- 21 to any member or members of the general public on the basis of
- 22 race, color, religion, ancestry, age, national origin, disability,
- 23 sex, sexual orientation, gender identity, or United States military
- 24 service; **or**
- 25 **(3) limit or curtail the scope of any law of the state of Indiana**
- 26 **that regulates or restricts abortion or that withholds**
- 27 **taxpayer funds from entities that perform or promote**
- 28 **abortions; or**
- 29 ~~(3)~~ **(4) negate any rights available under the Constitution of the**
- 30 **State of Indiana.**

31 SECTION 16. 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.

39 **(b) This chapter does not apply to IC 16-34 or any action to**
 40 **enforce the requirements of IC 16-34.**

41 SECTION 17. IC 34-30-2.1-218.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: **Sec. 218.5. IC 16-34-7-21 (Concerning**
 2 **abortion inducing drugs).**
 3 SECTION 18. 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,
 11 or 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
 15 transfers fetal tissue commits unlawful transfer of fetal tissue, a Level
 16 5 felony.
 17 (e) A person may not alter the timing, method, or procedure used
 18 to terminate a pregnancy for the purpose of obtaining or collecting fetal
 19 tissue. A person who violates this subsection commits the unlawful
 20 collection of fetal tissue, a Level 5 felony.

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