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SENATE BILL No. 236

Proposed Changes to introduced printing by AM023601

DIGEST OF PROPOSED AMENDMENT

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

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 ~~← SECTION 1. IC 4-6-2-1.1, AS AMENDED BY P.L.41-2025,~~
2 ~~SECTION 27, IS AMENDED TO READ ASFOLLOWS [EFFECTIVE~~
3 ~~JULY 1, 2026]: Sec. 1.1. The attorney general has concurrent~~
4 ~~jurisdiction with the prosecuting attorney in the prosecution of the~~
5 ~~following:~~
6 ~~(1) Actions in which a person is accused of committing, while a~~
7 ~~member of an unlawful assembly as defined in IC 35-45-1-1, a~~
8 ~~homicide (IC 35-42-1).~~
9 ~~(2) Actions in which a person is accused of assisting a criminal~~
10 ~~(IC 35-44.1-2-5), if the person alleged to have been assisted is a~~
11 ~~person described in subdivision (1).~~
12 ~~(3) Actions in which a sheriff is accused of any offense that~~

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1 involves a failure to protect the life of a prisoner in the sheriff's
 2 custody.

3 ~~(4) Actions in which a violation of IC 2-8.2-4-6 (concerning
 4 constitutional convention commissioners) has occurred.~~

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

7 ~~SECTION 2. IC 5-14-3-3.1 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2026]: See. 3.1. A report made under IC 16-34-2-4.7 or
 10 IC 16-34-2-5 is not confidential and is a public record as defined in
 11 section 2(r) of this chapter. It shall be open to public inspection and
 12 the Indiana department of health shall disclose the report upon a
 13 request made by any person.~~

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

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

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



1 **includes off label use of drugs, medicines, or other substances**
 2 **known to have abortion inducing properties that are prescribed,**
 3 **dispensed, or administered with the intent of causing an abortion,**
 4 **including:**

5 (1) **the mifepristone (Mifeprex) regimen;**
 6 (2) **misoprostol (Cytotec); and**
 7 (3) **methotrexate.**

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

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

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

25 (b) The term does not include the premises used for the reception,
 26 accommodation, board, care, or treatment in a household or family, for
 27 compensation, of a person related by blood to the head of the
 28 household or family (or to the spouse of the head of the household or
 29 family) within the degree of consanguinity of first cousins.

30 (c) The term does not include any of the following:
 31 (1) Hotels, motels, or mobile homes when used as such.
 32 (2) Hospitals or mental hospitals, except for that part of a
 33 hospital that provides long term care services and functions as a
 34 health facility, in which case that part of the hospital is licensed
 35 under IC 16-21-2, but in all other respects is subject to IC 16-28.
 36 (3) Hospices that furnish inpatient care and are licensed under
 37 IC 16-25-3.
 38 (4) Institutions operated by the federal government.
 39 (5) Foster family homes or day care centers.
 40 (6) Schools for individuals who are deaf or blind.
 41 (7) Day schools for individuals with an intellectual disability.
 42 (8) Day care centers.



- (9) Children's homes and child placement agencies.
- (10) Offices of practitioners of the healing arts.
- (11) Any institution in which health care services and private duty nursing services are provided that is listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc.
- (12) Industrial clinics providing only emergency medical services or first aid for employees.
- (13) A residential facility (as defined in IC 12-7-2-165).
- (14) Maternity homes.
- (15) Offices of Christian Science practitioners.

12 SECTION ~~4~~⁴ IC 16-18-2-282, AS AMENDED BY
13 P.L.93-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: Sec. 282. (a) "Physician", except as
15 provided in subsections (b), (c), and (e), means a licensed physician (as
16 defined in section 202 of this chapter).

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

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

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

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

30 SECTION ~~45~~⁵. IC 16-34-1-4, AS AMENDED BY
31 P.L.218-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2026]: Sec. 4. No:

- 33 (1) physician;
- 34 (2) nurse;
- 35 (3) physician assistant;

- (3) physician assistant;
- (4) pharmacist;
- (5) employee or member of the staff of a hospital or other facility in which an abortion may be performed; or
- (6) mental health provider;

shall be required to perform an abortion, to prescribe, administer, or dispense an abortion inducing drug **in violation of IC 16-34-7**, to provide advice or counsel to a pregnant woman concerning medical



1 procedures resulting in, or intended to result in, an abortion, to assist
 2 or participate in medical procedures resulting in, or intended to result
 3 in an abortion, or to handle or dispose of aborted remains, if that
 4 individual objects to such procedures on ethical, moral, or religious
 5 grounds.

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

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

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

16 (i) the abortion is necessary when reasonable medical
 17 judgment dictates that performing the abortion is
 18 necessary to prevent any serious health risk to the
 19 pregnant woman or to save the pregnant woman's life;
 20 or

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

22 (B) the abortion is performed by the physician in a hospital
 23 licensed under IC 16-21 or an ambulatory outpatient
 24 surgical center (as defined in IC 16-18-2-14) that has a
 25 majority ownership by a hospital licensed under IC 16-21;
 26 (C) the woman submitting to the abortion has filed her
 27 consent with her physician. However, if in the judgment of
 28 the physician the abortion is necessary to preserve the life
 29 of the woman, her consent is not required;

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

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

36 (i) in the attending physician's reasonable medical
 37 judgment, performing the abortion is necessary to
 38 prevent any serious health risk to the pregnant woman
 39 or to save the pregnant woman's life; or

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

42 All facts and reasons supporting the certification shall be set



1 forth by the physician in writing and attached to the
 2 certificate.

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

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

- 30 (A) the pregnancy is a result of rape or incest;
- 31 (B) all the circumstances and provisions required for legal
 32 abortion set forth in subdivision (1)(C) through (1)(D) are
 33 present and adhered to;
- 34 (C) the abortion is performed in a hospital licensed under
 35 IC 16-21 or ambulatory outpatient surgical center (as
 36 defined in IC 16-18-2-14) that has a majority ownership by
 37 a hospital licensed under IC 16-21; and
- 38 (D) before the abortion, the attending physician shall certify
 39 in writing to the ambulatory outpatient surgical center or
 40 hospital in which the abortion is to be performed, after
 41 proper examination, the abortion is being performed at the
 42 woman's request because the pregnancy is the result of rape



1 or incest. All facts and reasons supporting the certification
 2 shall be set forth by the physician in writing and attached to
 3 the certificate.

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

9 (A) based on reasonable medical judgment, performing the
 10 abortion is necessary to prevent any serious health risk to
 11 the pregnant woman or to save the pregnant woman's life;
 12 (B) all the circumstances and provisions required for legal
 13 abortion set forth in subdivision (1)(C) through (1)(D) are
 14 present and adhered to;

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

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

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

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

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

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

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

36 (1) to prevent any serious health risk to the mother; or
 37 (2) to save the mother's life.

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

41 SECTION ~~29~~⁷. IC 16-34-2-1.5, AS AMENDED BY THE
 42 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL

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1 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2026]: Sec. 1.5. (a) The state department shall develop an
 3 informed consent brochure and post the informed consent brochure on
 4 the state department's Internet web site. ~~website~~.

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

7 (1) Objective scientific information concerning the probable
 8 anatomical and physiological characteristics of a fetus every two
 9 weeks of gestational age, including the following:

10 (A) Realistic pictures in color for each age of the fetus,
 11 including the dimensions of the fetus.

12 (B) Whether there is any possibility of the fetus surviving
 13 outside the womb.

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

17 (A) The risks of infection and hemorrhaging.

18 (B) The potential danger:

19 (i) to a subsequent pregnancy; or

20 (ii) of infertility.

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

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

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

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

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

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

36 (A) to an emergency medical services provider (as defined
 37 in IC 16-41-10-1); or

38 (B) in a newborn safety device described in IC 31-34-2.5-1.

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

42 (d) The informed consent brochure must include the requirements



1 specified in this chapter.

2 SECTION ~~←10→[8]~~. IC 16-34-2-4.5, AS AMENDED BY
 3 P.L.179-2022(ss), SECTION 25, IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.5. (a) A physician
 5 may not perform an abortion ~~including an abortion using an abortion~~
 6 ~~inducing drug~~, unless the physician:

- 7 (1) has admitting privileges in writing at a hospital located in the
 8 county where abortions are provided or in a contiguous county;
 9 or
- 10 (2) has entered into a written agreement with a physician who
 11 has written admitting privileges at a hospital in the county or
 12 contiguous county concerning the management of possible
 13 complications of the services provided.

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

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

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

- 24 (1) keep at the hospital or ambulatory outpatient surgical center
 25 a copy of the admitting privileges of a physician described in
 26 subsection (a)(1) and (a)(2) who is performing abortions at the
 27 hospital or ambulatory outpatient surgical center; and
- 28 (2) submit a copy of the admitting privileges described in
 29 subdivision (1) to the state department. The state department
 30 shall verify the validity of the admitting privileges document.
 31 The state department shall remove any identifying information
 32 from the admitting privileges document before releasing the
 33 document under IC 5-14-3.

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

- 37 (1) each hospital located in the county in which the hospital
 38 granting the admitting privileges described in subsection (a) is
 39 located; and
- 40 (2) each hospital located in a county that is contiguous to the
 41 county described in subdivision (1);
 42 where abortions are performed.



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

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

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

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

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was the original visit or a follow-up visit.

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

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

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

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

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

(f) The state department shall ~~do the following concerning~~
~~a~~ [send each] report received under this section ~~as~~

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

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

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

~~(1) Subsection (e)(5)~~

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

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

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

~~upon a request made by any person (as defined in FCS 115.2(h)).~~
~~(i) In releasing or making available to the public a report received under this section, the state department shall do the following:~~

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

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

~~(f) (i) [inspector general]~~

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

(g) (4)(h) The state department shall summarize the aggregate data from the data submitted under this section and submit the data, on



1 or before June 30 of each year, to the United States Centers for Disease
 2 Control and Prevention for its inclusion in the annual Vital Statistics
 3 Report.

4 (f) (~~↔[il]~~) The state department shall ensure that no identifying
 5 information of a pregnant woman is included in the report described in
 6 subsection (f). (~~↔[gl]~~).

7 (f) (~~<m>[il]~~) This subsection applies after August 31, 2020. Each
 8 failure to report an abortion complication as required under this section
 9 is a Class B misdemeanor.

10 (f) (~~↔[kl]~~) The state department shall adopt rules under
 11 IC 4-22-2 to implement this section.

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

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

33 (1) The age of the patient.
 34 (2) **Whether parental consent was obtained** or whether a
 35 waiver of consent under ~~section 4~~ of this chapter was obtained.
 36 (3) Whether a waiver of notification under ~~seetion 4~~ of this
 37 chapter was obtained.
 38 (4) The date and location, including the facility name and city or
 39 town, where the:
 40 (A) pregnant woman:
 41 (i) provided consent; and
 42 (ii) received all information;



1 required under section 1.1 of this chapter; and
 2 (B) abortion was performed or the abortion inducing drug
 3 was provided, prescribed, administered, or dispensed.

4 (5) The health care provider's full name and address, including
 5 the name of the physicians performing the abortion or providing,
 6 prescribing, administering, or dispensing the abortion inducing
 7 drug.

8 (6) The city and county where the pregnancy termination
 9 occurred.

10 (7) The age of the father, or the approximate age of the father if
 11 the father's age is unknown.

12 (8) The patient's county and state of residence.

13 (9) The marital status of the patient.

14 (10) The educational level of the patient.

15 (11) The race of the patient.

16 (12) The ethnicity of the patient.

17 (13) The number of the patient's previous live births.

18 (14) The number of the patient's deceased children.

19 (15) The number of the patient's spontaneous pregnancy
 20 terminations.

21 (16) The number of the patient's previous induced terminations.

22 (17) The date of the patient's last menses.

23 (18) The physician's determination of the gestation of the fetus
 24 in weeks.

25 (19) **The reason for the abortion. Information specifying any of**
 26 **the following:**

27 (A) **The abortion was necessary to prevent any serious**
 28 **health risk to the pregnant woman or to save the**
 29 **pregnant woman's life, including the pregnant woman's**
 30 **diagnosed condition.**

31 (B) **The fetus was diagnosed with a lethal fetal anomaly,**
 32 **including the fetus's diagnosed condition.**

33 (C) **The pregnancy was a result of rape or incest.**

34 (20) Whether the patient indicated that the patient was seeking
 35 an abortion as a result of being:

36 (A) abused;
 37 (B) coerced;
 38 (C) harassed; or
 39 (D) trafficked.

40 (21) The following information concerning the abortion or the
 41 provision, prescribing, administration, or dispensing of the
 42 abortion inducing drug:



(A) The postfertilization age of the fetus (in weeks).
(B) The manner in which the postfertilization age was determined.
(C) The gender of the fetus, if detectable.
(D) Whether the fetus has been diagnosed with or has a potential diagnosis of having Down syndrome or any other disability.
(E) If after the earlier of the time the fetus obtains viability or the time the postfertilization age of the fetus is at least twenty (20) weeks, the medical reason for the performance of the abortion.

(22) For a surgical abortion, the **specific** medical procedure used. ~~for the abortion and~~

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

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

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

(C) the name of the second doctor present, as required under ~~I-6-34-2-3(a)(3)~~. **section 3(a)(3) of this chapter.**

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

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

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

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

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

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

(28) (30) The results of pathological examinations if performed.

(29) (31) For a surgical abortion, whether the fetus was delivered

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

4 (30) (32) Records of all maternal deaths occurring at the location
 5 where the abortion was performed or the abortion inducing drug
 6 was provided, prescribed, administered, or dispensed, **including**
 7 **the specific cause of death.**

8 (31) (33) The date the form was transmitted to the state
 9 department and, if applicable, separately to the department of
 10 child services.

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

12 (35) **Certification by the attending physician, under the**
 13 **penalty of perjury, that the:**

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

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

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

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

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

29 (d) Each failure to complete or timely transmit a form, as required
 30 under this section, for each abortion performed or abortion inducing
 31 drug that was provided, prescribed, administered, or dispensed, is a
 32 Class B misdemeanor.

33 (e) An incomplete form transmitted to the state department
 34 under subsection (b) is subject to investigation by the state
 35 department and the office of the ~~attorney general~~.

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

38 (1) ~~Subsection (a)(2) and (a)(3).~~

39 (2) ~~Subsection (a)(5).~~

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

41 (4) ~~Subsection (a)(21)(A) and (a)(21)(E).~~

42 (5) ~~Subsection (a)(22) through (a)(26).~~



1 (6) Subsection (a)(29) through (a)(32).
 2 (7) Subsection (a)(34).
 3 (g) A report made under this section is not confidential and is
 4 a public record as defined in IC 5-14-3-2(r). It shall be open to
 5 public inspection and the state department shall disclose the report
 6 upon a request made by any person (as defined in IC 5-14-3-2(n)).
 7 (h) In releasing or making available to the public a form
 8 received under this section, the state department shall do the
 9 following:
 10 (1) If the state department redacts a date on a form received
 11 under this section, indicate on the form whether the health
 12 care provider transmitted the form to the state department
 13 by the reporting deadline described in subsection (b).
 14 (2) If the state department redacts the information described
 15 in subsection (a)(1) from a form, indicate on the form
 16 whether or not the patient was a minor.
 17 (e) (f) [Inspector general].
 18 (e) (f) On a quarterly basis, the state department shall compile a
 19 public report providing the following:
 20 (1) Statistics for the previous calendar quarter from the
 21 information submitted under this section.
 22 (2) Statistics for previous calendar years compiled by the state
 23 department under this subsection, with updated information for
 24 the calendar quarter that was submitted to the state department
 25 after the compilation of the statistics.
 26 The state department shall ensure that no identifying information of a
 27 pregnant woman is contained in the report.
 28 (f) (g) The state department shall:
 29 (1) summarize aggregate data from all data submitted under this
 30 section; and
 31 (2) submit the data, before July 1 of each year, to the United
 32 States Centers for Disease Control and Prevention for its
 33 inclusion in the annual Vital Statistics Report.
 34 (k) Before October 1, 2026, and before October 1 of each
 35 even-numbered year thereafter, the state department shall provide,
 36 in an electronic format under IC 5-14-6, verification to the general
 37 assembly that the state department is in compliance with
 38 subsection (g).
 39 > SECTION 1 [0]. IC 16-34-3-2, AS AMENDED BY
 40 P.L.179-2022(ss), SECTION 29, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A pregnant
 42 woman who has an abortion under this article has the right to have the



1 hospital or ambulatory outpatient surgical center dispose of the aborted
 2 fetus by interment in compliance with IC 23-14-54, or cremation
 3 through a licensee (as defined in IC 25-15-2-19) and in compliance
 4 with IC 23-14-31. The pregnant woman who selects to have the
 5 hospital or ambulatory outpatient surgical center dispose of the aborted
 6 fetus has the right to ask which method will be used by the hospital or
 7 ambulatory outpatient surgical center.

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

12 (1) in writing; and
 13 (2) on a form prescribed by the state department;

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

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

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

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

33 SECTION 1~~4~~¹¹. IC 16-34-3-4, AS AMENDED BY
 34 P.L.179-2022(ss), SECTION 31, IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A hospital or
 36 ambulatory outpatient surgical center having possession of an aborted
 37 fetus shall provide for the final disposition of the aborted fetus. The
 38 burial transit permit requirements of IC 16-37-3 apply to the final
 39 disposition of an aborted fetus, which must be interred or cremated.
 40 However:

41 (1) a person is not required to designate a name for the aborted
 42 fetus on the burial transit permit and the space for a name may



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

5 Aborted fetuses may be cremated by simultaneous cremation.

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

18 (c) Except in extraordinary circumstances where the required
 19 information is unavailable or unknown, a burial transit permit issued
 20 under IC 16-37-3 that includes multiple fetal remains must be
 21 accompanied by a log prescribed by the state department containing the
 22 following information about each fetus included under the burial transit
 23 permit:

24 (1) The date of the abortion.
 25 (2) ~~Whether the abortion was surgical or induced by an abortion~~
 26 ~~inducing drug.~~

27 (3) (2) The name of the funeral director licensee who will be
 28 retrieving the aborted fetus.

29 (4) ~~In the case of an abortion induced by an abortion inducing~~
 30 ~~drug:~~

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

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

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

39 (d) Each time the fetal remains are transported from one entity to
 40 another for disposition, the entity receiving the fetal remains must
 41 confirm that the number of fetal remains matches the information
 42 contained in the burial transit permit and accompanying log. After final



1 disposition, a copy of the log will be sent back to the hospital or
 2 ambulatory outpatient surgical center. The final log will be attached to
 3 the original log described in subsection (c) and will be made available
 4 for review by the state department at the time of inspection.

5 (e) A hospital or ambulatory outpatient surgical center is
 6 responsible for demonstrating to the state department that the hospital
 7 or ambulatory outpatient surgical center has complied with the protocol
 8 provided in this section.

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

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

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

18 **Chapter 7. Abortion Inducing Drugs**

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

21 (1) a hospital or health facility licensed, owned, maintained,
 22 or operated by the state;

23 (2) a physician or health care provider who is:

24 (A) licensed by the state; and

25 (B) located in Indiana;

26 (3) an Internet service provider or an affiliate of subsidiary
 27 of an Internet service provider;

28 (4) an Internet service engine;

29 (5) a cloud service provider providing access or connection
 30 to or from:

31 (A) a website;

32 (B) other information or content on the Internet;

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

35 (i) transmission;

36 (ii) downloading;

37 (iii) intermediate storage; or

38 (iv) access software.

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

42 **Sec. 2. This chapter may not be construed to require the actual**



1 performance, inducement, or attempted performance of an
 2 abortion in order for a person to bring a civil action under this
 3 chapter.

4 Sec. 3. The following definitions apply throughout this
 5 chapter:

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

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

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

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

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

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

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

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

28 (1) 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 (2) conduct that a pregnant woman takes in the course of
 35 aborting or attempting to abort the woman's unborn child;
 36 (3) the manufacture, distribution, mailing, transport,
 37 delivery, prescribing, provision, or possession of an abortion
 38 inducing drug solely for purposes that do not include
 39 performing, inducing, attempting, assisting, or aiding or
 40 abetting an illegal abortion; or

41 (4) conduct that a person takes under the direction of a
 42 federal agency, contractor, or employee to carry out a duty



1 under federal law, if prohibiting that conduct would violate
 2 the doctrine of preemption or intergovernmental immunity.

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

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

- 9 (1) **the State of Indiana;**
- 10 (2) **a political subdivision of the state;**
- 11 (3) **a prosecuting attorney;**
- 12 (4) **a county attorney;**
- 13 (5) **any officer or employee of the state; or**
- 14 (6) **any officer or employee of a political subdivision of the**
 15 **state;**

16 **against any person, except through a wrongful death action**
 17 **brought under section ~~4~~⁴[6] of this chapter or a qui tam action**
 18 **brought under section 9 of this chapter.**

19 **(c) This section does not preclude or limit the enforcement of**
 20 **any other law or regulation against conduct that is independently**
 21 **prohibited by the other law or regulation and that would remain**
 22 **prohibited by the other law or regulation in the absence of section**
 23 **4 of this chapter.**

24 **Sec. 6. (a) Notwithstanding any other law, and except as**
 25 **provided in subsections (b) and (f), a person who manufactures,**
 26 **distributes, mails, transports, delivers, prescribes, or provides an**
 27 **abortion inducing drug, or who aids or abets the manufacture,**
 28 **distribution, mailing, transportation, delivery, prescription, or**
 29 **provision of an abortion inducing drug, is strictly, absolutely, and**
 30 **jointly and severally liable for:**

- 31 (1) **the wrongful death of an unborn child or pregnant**
 32 **woman from the use of the abortion inducing drug; and**
- 33 (2) **personal injury of an unborn child or pregnant woman**
 34 **from the use of the abortion inducing drug.**

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

37 **(c) A person who engages in conduct described by subsection**
 38 **(a) is liable for damages resulting from the death or personal**
 39 **injury sustained by an unborn child or pregnant woman if the**
 40 **person's conduct contributed in any way to the death or injury,**
 41 **regardless of whether the person's conduct was the actual or**
 42 **proximate cause of the death or injury.**



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

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

(1) against the woman who used or sought to obtain abortion inducing drugs to abort or attempt to abort her unborn child;

(2) against a person that acted under the direction of a federal agency, contractor, or employee who is carrying out duties under federal law if the imposition of liability would violate the doctrine of preemption or intergovernmental immunity;

(3) by any person who has committed a sex crime as defined in IC 35-42-4, or by another person who acts in concert or participation with such a person;

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

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

(6) against a person described in section 1 of this chapter; or
(7) against a common carrier that took every reasonable precaution to ensure that the common carrier would not manufacture, distribute, mail, transport, deliver, prescribe, provide, possess, or aid or abet the manufacture, distribution, mailing, transportation, delivery, prescription, provision, or possession of abortion inducing drugs for the purpose of performing, inducing, attempting, or assisting an illegal abortion, including by adopting a policy that the common carrier will not manufacture, distribute, mail, transport, deliver, prescribe, provide, possess, or aid or abet the manufacture, distribution, mailing, transportation, delivery, prescription, provision, or possession of abortion inducing drugs for this purpose.

(f) Notwithstanding any other law, including Trial Rule 23 of

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1 **the Indiana Rules of Trial Procedure, an action brought under this**
 2 **section may not be litigated on behalf of a claimant class or a**
 3 **defendant class, and a court may not certify a class in the action.**

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

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

8 **(2) took every reasonable precaution to ensure the defendant**
 9 **would not manufacture, distribute, mail, transport, deliver,**
 10 **prescribe, provide, or possess abortion inducing drugs.**

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

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

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

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

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

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

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

35 **(6) Nonmutual issue preclusion or nonmutual claim**
 36 **preclusion.**

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

39 **(8) Contributory or comparative negligence.**

40 **(9) Assumption of risk.**

41 **(10) Lack of actual or proximate cause.**

42 **(11) Sovereign immunity, governmental immunity, or official**



1 immunity, except that sovereign immunity, governmental
2 immunity, or official immunity is not waived for:

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

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

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

Sec. 8. (a) Notwithstanding any other law, and except as provided in subsection (b), if a claimant who brings an action under section 6 of this chapter is unable to identify the specific manufacturer of the abortion inducing drug that caused the death or injury that is the basis for the action, the liability is apportioned among all manufacturers of abortion inducing drugs in proportion to each manufacturer's share of the national market for abortion inducing drugs at the time the death or injury occurred.

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

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

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

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

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

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- (1) against a woman for using, obtaining, or seeking to obtain abortion inducing drugs to abort or attempt to abort her unborn child;
- (2) against a person acting under the direction of a federal agency, contractor, or employee who is carrying out a duty under federal law if the imposition of liability would violate the doctrine of preemption or intergovernmental immunity;
- (3) by any person who has committed a sex crime as defined in IC 35-42-4, or by another person who acts in concert or participation with such a person;
- (4) against a transportation network company or a driver for using a transportation network company's digital network to provide a digitally prearranged ride;
- (5) against a delivery network company or a DNC driver for using a delivery network company's digital network to provide a digitally prearranged delivery;
- (6) against a person described in section 1 of this chapter; or
- (7) against a common carrier that took reasonable precautions to ensure that the common carrier would not manufacture, distribute, mail, transport, deliver, prescribe, provide, possess, or aid or abet the manufacture, distribution, mailing, transportation, delivery, prescription, provision, or possession of abortion inducing drugs for the purpose of performing, inducing, attempting, or assisting an illegal abortion, including by adopting a policy that the common carrier will not manufacture, distribute, mail, transport, deliver, prescribe, provide, possess, or aid or abet the manufacture, distribution, mailing, transportation, delivery, prescription, provision, or possession of abortion inducing drugs for this purpose.

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

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



(4) A defendant's reliance on a federal agency rule or action

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

23 preclusion.
24 (7) Sovereign immunity, governmental immunity, or official
25 immunity, other than sovereign immunity, governmental
26 immunity, or official immunity applicable to:

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

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

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

- 5 (1) **injunctive relief sufficient to prevent the defendant from**
 6 **violating section 4 of this chapter;**
- 7 (2) **an amount of not less than one hundred thousand dollars**
 8 **(\$100,000) for each violation of section 4 of this chapter; and**
- 9 (3) **costs and reasonable attorney's fees.**

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

- 13 (1) **a court previously ordered the defendant to pay an**
 14 **amount under subsection (a)(2) in another action for that**
 15 **particular violation; and**
- 16 (2) **the court order described by subdivision (1) has not been**
 17 **vacated, reversed, or overturned.**

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

- 21 (1) **in response to frivolous, malicious, or bad faith conduct;**
 22 **or**
- 23 (2) **as required by federal law.**

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

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

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

32 (2) **the defendant:**

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

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

40 (3) **the imposition of civil liability on the defendant will**
 41 **violate the defendant's rights under the Constitution of the**
 42 **State of Indiana; or**



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

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

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

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

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

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

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

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

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

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

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

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

18 Sec. 16. (a) Notwithstanding any other law, the state, a political
19 subdivision of the state, or an officer or employee of the state or a
20 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

37 Sec. 17. (a) Notwithstanding any other law, including the
38 Indiana Rules of Trial Procedure, an action brought under section
39 6 or 9 of this chapter may be brought in:



of action accrued if a defendant is an individual;
(3) the county of the principal office in the state of a defendant that is not an individual; or
(4) the county of the claimant's residence if the claimant is an individual residing in Indiana.

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

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

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

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

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

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

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

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

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

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

(3) aids or abets the violations of 18 U.S.C. 1461 or 18 U.S.C.

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1 **1462 described in subdivisions (1) and (2).**

2 **(c) Notwithstanding any other law, an action under this section**
 3 **may not be brought:**

- 4 **(1) against a woman for conduct taken in the course of**
 5 **aborting or seeking to abort her unborn child;**
- 6 **(2) against a person that acted under the direction of a**
 7 **federal agency, contractor, or employee who is carrying out**
 8 **duties under federal law if the imposition of liability would**
 9 **violate the doctrine of preemption or intergovernmental**
 10 **immunity;**
- 11 **(3) against a transportation network company or a driver for**
 12 **using a transportation network company's digital network to**
 13 **provide a digitally prearranged ride;**
- 14 **(4) against a delivery network company or a DNC driver for**
 15 **using a delivery network company's digital network to**
 16 **provide a digitally prearranged delivery;**
- 17 **(5) against a person described in section 1 of this chapter; or**
- 18 **(6) against a common carrier that took every reasonable**
 19 **precaution to ensure that the common carrier would not**
 20 **manufacture, distribute, mail, transport, deliver, prescribe,**
 21 **provide, possess, or aid or abet the manufacture,**
 22 **distribution, mailing, transportation, delivery, prescription,**
 23 **provision, or possession of abortion inducing drugs for the**
 24 **purpose of performing, inducing, attempting, or assisting an**
 25 **illegal abortion, including by adopting a policy that the**
 26 **common carrier will not manufacture, distribute, mail,**
 27 **transport, deliver, prescribe, provide, possess, or aid or abet**
 28 **the manufacture, distribution, mailing, transportation,**
 29 **delivery, prescription, provision, or possession of abortion**
 30 **inducing drugs for this purpose.**

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

- 34 **(1) bringing or engaging in an action authorized by this**
 35 **chapter, including an action brought under section ~~16~~¹⁶,**
 36 **~~19~~¹⁹, or 1~~18~~¹⁸ of this chapter;**
- 37 **(2) bringing or engaging in an action that alleges a violation**
 38 **of any federal or state abortion law;**
- 39 **(3) attempting, intending, or threatening to bring or engage**
 40 **in an action described by subdivision (1) or (2); or**
- 41 **(4) providing legal representation or any type of assistance**
 42 **to a person who brings or engages in an action described by**



1 subdivision (1) or (2).

2 (b) Notwithstanding any other law and except as otherwise
 3 provided by federal law or the Constitution of the State of Indiana,
 4 Indiana law applies to:

- 5 (1) conduct described by subsection (a);
- 6 (2) an action brought against a person for engaging in
 7 conduct described by subsection (a);
- 8 (3) an action brought under a clawback provision against a
 9 resident of Indiana; and
- 10 (4) an action brought under subsection (f).

11 (c) Notwithstanding any other law, in an action described by
 12 subsection (a)(1), the court shall, on request, issue a temporary,
 13 preliminary, or permanent injunction that restrains each
 14 defendant in the action, each person in privity with the defendant,
 15 and each person with whom the defendant is in active concert or
 16 participation from:

- 17 (1) bringing an action under any clawback provision against
 18 a claimant or prosecutor, a person in privity with the
 19 claimant or prosecutor, or a person providing legal
 20 representation or any type of assistance to the claimant or
 21 prosecutor; and
- 22 (2) continuing to litigate an action under any clawback
 23 provision that has been brought against a claimant or
 24 prosecutor, a person in privity with the claimant or
 25 prosecutor, or a person providing legal representation or any
 26 type of assistance to the claimant or prosecutor.

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

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

40 (f) Notwithstanding any other law, if an action is brought or
 41 judgment is entered against a person under a clawback provision
 42 based wholly or partly on the person's decision to engage in



1 conduct described by subsection (a), that person is entitled to
 2 injunctive relief and damages from any person who brought the
 3 action or obtained the judgment or who sought to enforce the
 4 judgment. Notwithstanding any other law, the relief described by
 5 this subsection must include:

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

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

12 (A) twice the sum of the damages, costs, expenses, and
 13 fees described by subdivisions (1) and (2); or
 14 (B) one hundred thousand dollars (\$100,000); and

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

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

24 (B) continuing to litigate any actions brought under a
 25 clawback provision against the persons described by
 26 clause (A); and

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

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

32 (1) the claimant failed to seek recovery under subsection (f)
 33 in an action brought against the claimant under a clawback
 34 provision; or

35 (2) a court in a preceding action brought against the
 36 claimant declined to recognize or enforce subsection (f) or
 37 held any provision of that subsection invalid,
 38 unconstitutional, or preempted by federal law,
 39 notwithstanding the doctrines of issue or claim preclusion.

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

42 Sec. 20. (a) Notwithstanding any other law, a person, including



1 an entity, attorney, or law firm, who seeks declaratory or
 2 injunctive relief to prevent the state, a political subdivision of the
 3 state, an officer, employee, or agent of the state or a political
 4 subdivision of the state, or any person from enforcing or bringing
 5 an action to enforce a law, including a statute, ordinance, rule, or
 6 regulation, that regulates or restricts abortion or that limits
 7 taxpayer funding for persons performing or promoting abortions
 8 in any state or federal court, or who represents a litigant seeking
 9 such relief in any state or federal court, is jointly and severally
 10 liable to pay the costs and reasonable attorney's fees of the
 11 prevailing party, including the costs and reasonable attorney's fees
 12 the prevailing party incurs in its efforts to recover costs and fees.

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

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

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

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

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

29 (d) Regardless of whether a prevailing party sought to recover
 30 costs or attorney's fees in the underlying action, a prevailing party
 31 under this section may bring a civil action to recover costs and
 32 attorney's fees against a person, including an entity, attorney, or
 33 law firm, who sought declaratory or injunctive relief described by
 34 subsection (a) not later than three (3) years after the date on which,
 35 as applicable:

36 (1) the dismissal or judgment described by subsection (b)
 37 becomes final on the conclusion of appellate review; or
 38 (2) the time for seeking appellate review expires.

39 (e) It is not a defense to a civil action brought under subsection

40 (d) that:

41 (1) a prevailing party under this section failed to seek
 42 recovery of costs or attorney's fees in the underlying action;



(2) the court in the underlying action declined to recognize or enforce this section; or

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrine of issue or claim preclusion.

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

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

(2) the county of residence of a defendant at the time the cause of action accrued, if the defendant is an individual;

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

(4) the county of residence of the claimant, if the claimant is an individual residing in Indiana.

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

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

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

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

(1) the Constitution of the State of Indiana;

(2) the Constitution of the United States; or

(3) federal law.

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

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

(2) seeks to prevent or enjoin the state, a political subdivision of the state, or an officer, employee, or agent of the state or



1 **a political subdivision of the state from:**

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

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

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

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

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

23 **(1) seeks declaratory or injunctive relief, or any type of writ,**
 24 **including a writ of prohibition, that would pronounce any**
 25 **provision or application of this article invalid or**
 26 **unconstitutional; or**

27 **(2) would restrain the state, a political subdivision of the**
 28 **state, an officer, employee, or agent of the state or a political**
 29 **subdivision of the state, or any person from:**

30 **(A) enforcing any provision or application of this article;**

31 **or**

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

34 **Sec. 23. This chapter may not be construed to prevent a**
 35 **litigant from asserting the invalidity or unconstitutionality of a**
 36 **provision or application of this chapter as a defense to an action,**
 37 **claim, or counterclaim brought against the litigant.**

38 SECTION 1 ~~6~~^[3] IC 34-6-2.1-84, AS AMENDED BY
 39 P.L.186-2025, SECTION 274, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 84. (a) "Health care
 41 services":

42 **(1) except as provided in subdivision (2), for purposes of**

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1 IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a); and
 2 (2) for purposes of IC 34-30-13-1.2, means only noninvasive
 3 examinations, treatments, and procedures and the following
 4 invasive procedures:

- 5 (A) Routine dental services.
- 6 (B) Injections.
- 7 (C) Suturing of minor lacerations.
- 8 (D) Incisions of boils or superficial abscesses.

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

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

14 (1) any services provided by an individual licensed under:

- 15 (A) IC 25-2.5;
- 16 (B) IC 25-10;
- 17 (C) IC 25-13;
- 18 (D) IC 25-14;
- 19 (E) IC 25-19;
- 20 (F) IC 25-22.5;
- 21 (G) IC 25-23;
- 22 (H) IC 25-23.5;
- 23 (I) IC 25-23.6;
- 24 (J) IC 25-24;
- 25 (K) IC 25-26;
- 26 (L) IC 25-27;
- 27 (M) IC 25-27.5;
- 28 (N) IC 25-29;
- 29 (O) IC 25-33;
- 30 (P) IC 25-34.5; or
- 31 (Q) IC 25-35.6;

32 (2) services provided as the result of hospitalization, to an
 33 individual admitted to a health facility licensed under IC 16-28,
 34 or to a person residing in a housing with services establishment
 35 (as defined by IC 12-10-15-3);

36 (3) services incidental to the furnishing of services described in I
 37 subdivisions subdivision (1) or (2);

38 (4) any services by individuals:

- 39 (A) licensed as paramedics;
- 40 (B) certified as advanced emergency medical technicians;
 41 or
- 42 (C) certified as emergency medical technicians under



25 SECTION 1~~4~~4. IC 34-7-7-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This chapter
27 applies to an act in furtherance of a person's right of petition or free
28 speech under the Constitution of the United States or the Constitution
29 of the State of Indiana in connection with a public issue or an issue of
30 public interest that arises after June 30, 1998. This chapter does not
31 apply to an action that was filed and is pending before July 1, 1998.

32 (b) This chapter does not apply to:
33 (1) an enforcement action brought in the name of the state of
34 Indiana by the attorney general, a prosecuting attorney, or
35 another attorney acting as a public prosecutor; or
36 (2) an action brought under

41 SECTION 1 ~~☞~~ [5]. IC 34-13-9-0.7, AS ADDED BY P.L.4-2015,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 0.7. This chapter does not:
 2 (1) authorize a provider to refuse to offer or provide services,
 3 facilities, use of public accommodations, goods, employment, or
 4 housing to any member or members of the general public on the
 5 basis of race, color, religion, ancestry, age, national origin,
 6 disability, sex, sexual orientation, gender identity, or United
 7 States military service;
 8 (2) establish a defense to a civil action or criminal prosecution
 9 for refusal by a provider to offer or provide services, facilities,
 10 use of public accommodations, goods, employment, or housing
 11 to any member or members of the general public on the basis of
 12 race, color, religion, ancestry, age, national origin, disability,
 13 sex, sexual orientation, gender identity, or United States military
 14 service; or
 15 **(3) limit or curtail the scope of any law of the state of Indiana**
 16 **that regulates or restricts abortion or that withholds**
 17 **taxpayer funds from entities that perform or promote**
 18 **abortions; or**
 19 ~~(3)~~ (4) negate any rights available under the Constitution of the
 20 State of Indiana.

21 SECTION 1~~6~~¹⁷. IC 34-13-9-2, AS ADDED BY P.L.3-2015,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 2. **(a)** A governmental entity statute, ordinance,
 24 resolution, executive or administrative order, regulation, custom, or
 25 usage may not be construed to be exempt from the application of this
 26 chapter unless a state statute expressly exempts the statute, ordinance,
 27 resolution, executive or administrative order, regulation, custom, or
 28 usage from the application of this chapter by citation to this chapter.

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

31 SECTION ~~20~~¹⁷. IC 34-30-2.1-218.5 IS ADDED TO THE
 32 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2026]: **Sec. 218.5. IC 16-34-7-21 (Concerning**
 34 **abortion inducing drugs).**

35 SECTION ~~21~~¹⁸. IC 35-46-5-1.5, AS ADDED BY
 36 P.L.213-2016, SECTION 30, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) As used in this
 38 section, "aborted" means the termination of human pregnancy with an
 39 intention other than to produce a live birth or to remove a dead fetus.
 40 The term includes abortions by surgical procedures and by abortion
 41 inducing drugs **in violation of IC 16-34-7.**

42 (b) As used in this section, "fetal tissue" includes tissue, organs,



1 or any other part of an aborted fetus.
2 (c) This section does not apply to the proper medical disposal of
3 fetal tissue.
4 (d) A person who intentionally acquires, receives, sells, or
5 transfers fetal tissue commits unlawful transfer of fetal tissue, a Level
6 5 felony.
7 (e) A person may not alter the timing, method, or procedure used
8 to terminate a pregnancy for the purpose of obtaining or collecting fetal
9 tissue. A person who violates this subsection commits the unlawful
10 collection of fetal tissue, a Level 5 felony.
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