

# HOUSE BILL No. 1546

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-34-2.

**Synopsis:** Abortion and minors. Prohibits a person from aiding or assisting an unemancipated minor in obtaining an abortion without the consent of the minor's parent or guardian. Authorizes the award of civil damages for a violation. Authorizes certain persons to seek an injunction from acts that would aid or assist the minor in obtaining an abortion without parental consent. Makes it a Level 5 felony (instead of a Class A misdemeanor under current law) for a physician to knowingly or intentionally perform an abortion on an unemancipated minor without the consent of the parent or guardian.

**Effective:** July 1, 2015.

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**Lehe, Carbaugh, Negele, Truitt**

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January 22, 2015, read first time and referred to Committee on Public Policy.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1546

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

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

1 SECTION 1. IC 16-34-2-4.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 4.2. (a) This section does not apply if consent is not**  
4 **required under section 4 of this chapter.**  
5 **(b) A person shall not knowingly or intentionally aid or assist an**  
6 **unemancipated minor in obtaining an abortion without the consent**  
7 **required in section 4 of this chapter.**  
8 **(c) A person who violates subsection (b) is civilly liable to the**  
9 **minor and the parent or legal guardian of the minor. A court may**  
10 **award damages to a person adversely affected by a violation of this**  
11 **section, including the following damages:**  
12 **(1) Compensation for physical or emotional injury, without**  
13 **the need of being physically present at the act or event.**  
14 **(2) Attorney's fees.**  
15 **(3) Court costs.**



1           **(4) Punitive damages.**

2           **However, an adult who engaged in or consented to another person**  
 3           **engaging in a sex act with a minor in violation of IC 35-42-4-3(a)**  
 4           **or IC 35-42-4-9 which resulted in the pregnancy may not be**  
 5           **awarded damages under this subsection.**

6           **(d) An unemancipated minor does not have the capacity to**  
 7           **consent to any action in violation of this section or section 4 of this**  
 8           **chapter. A person may not use as a defense to a violation of**  
 9           **subsection (b) that the abortion was performed or induced with**  
 10           **consent of the minor and otherwise met the requirements of this**  
 11           **chapter.**

12           **(e) The attorney general, a prosecutor, the parent or guardian**  
 13           **of the minor, or any person who may be adversely affected by the**  
 14           **conduct may petition a court to enjoin conduct that would violate**  
 15           **this section if the person can show that the conduct:**

- 16           **(1) is reasonably anticipated to occur in the future; or**  
 17           **(2) has occurred in the past, whether with the same minor or**  
 18           **others, and that it is not unreasonable to expect that the**  
 19           **conduct may be repeated.**

20           **A court may enjoin conduct that would violate this section.**

21           SECTION 2. IC 16-34-2-7, AS AMENDED BY P.L.158-2013,  
 22           SECTION 235, IS AMENDED TO READ AS FOLLOWS  
 23           [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as provided in  
 24           subsections (b) and (c), a person who knowingly or intentionally  
 25           performs an abortion not expressly provided for in this chapter commits  
 26           a Level 5 felony.

27           (b) A physician who performs an abortion intentionally or  
 28           knowingly in violation of section 1(a)(1)(C) ~~or 4~~ of this chapter  
 29           commits a Class A misdemeanor.

30           (c) A person who knowingly or intentionally performs an abortion  
 31           in violation of section 1.1 of this chapter commits a Class A infraction.

32           (d) A woman upon whom a partial birth abortion is performed may  
 33           not be prosecuted for violating or conspiring to violate section 1(b) of  
 34           this chapter.

35           **(e) A physician who performs an abortion intentionally or**  
 36           **knowingly in violation of section 4 or section 4.2 of this chapter**  
 37           **commits a Level 5 felony.**

