

HCS HB 28 -- ABORTION-INDUCING DRUGS SAFETY ACT (Sater)

COMMITTEE OF ORIGIN: Committee on Children and Families

This substitute establishes the Abortion-inducing Drugs Safety Act which places restrictions on abortion-inducing drugs. Any person who is not a physician is prohibited from knowingly prescribing or administering RU-486 or any other abortion-inducing drug. RU-486 or any other abortion-inducing drug can only be prescribed by a physician who at least 24 hours prior to the administration of the drug:

- (1) Complies with all other legal requirements;
- (2) Performs a physical examination of the patient;
- (3) Documents in the patient's medical record the gestational age of the fetus and that there is no ectopic pregnancy; and
- (4) Provides the patient with a copy of the United States Food and Drug Administration (FDA) approved label for the drug or drugs used to induce the abortion.

RU-486 or any other abortion-inducing drug can only be administered in a hospital or abortion facility. The abortion facility must also be licensed as an ambulatory surgical center if a specified number of abortions per month are performed or induced at the facility. The drug can only be administered by the prescribing physician or another physician acting under the prescribing physician's authority and who is in the physical presence of the patient or by the patient herself at the direction of and while in the physical presence of the physician. A physician is prohibited from prescribing or administering RU-486 or any other abortion-inducing drug unless he or she has clinical privileges which allow the physician to perform surgeries at a hospital or at the abortion facility where the drug was administered offering obstetrical or gynecological care that is within 30 miles of the location where the abortion is being induced.

If a patient who was administered RU-486 or any other abortion-inducing drug decides to carry her unborn child to term before the abortion is completed, the patient must be immediately referred to another physician to receive medical assistance for herself and her unborn child. A physician who prescribes or administers RU-486 or any other abortion-inducing drug must obtain and maintain a tail or occurrence-based insurance policy of at least \$1 million per occurrence and \$3 million in the aggregate per year for the personal injury to or death of a child who is born alive. The insurance policy cannot expire until the

child reaches 20 years of age. Any person who is not a physician who prescribes or administers RU-486 or any other abortion-inducing drug will be guilty of a class C felony; except that, if prescribed or administered without the knowledge or consent of the patient, he or she will be guilty of a class B felony. A physician who violates any other provision of the act will be guilty of a class A misdemeanor.

A licensed pharmacy cannot be required to perform, assist, recommend, refer to, or participate in any act or service in connection with any drug or device that causes a pregnancy to end prematurely resulting in an abortion. The pharmacy will be immune from civil and criminal liability; cannot have its license denied, revoked, or suspended; or cannot be denied or discriminated against in eligibility for public assistance for refusing to do any of these activities.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Less than \$200,000 in FY 2012, FY 2013, and FY 2014. No impact on Other State Funds in FY 2012, FY 2013, and FY 2014.