

HB 328 -- Abortion-Inducing Drugs Safety Act

Sponsor: Koenig

This bill 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 prior to performing or inducing an abortion;
- (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;
- (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; and
- (5) Gives an oral and written warning if the drug used to induce the abortion is not approved by the FDA.

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 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 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 in addition to all other medical malpractice requirements a tail or occurrence-based insurance policy of at least \$3

million per occurrence and \$9 million in the aggregate per year for damages for the personal injury to or death of a child who is born alive. 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.