



2023-2024 General Assembly

SENATE BILL 20: Care for Women, Children, and Families Act - Part II, Suitable Facilities for the Performance of Surgical Abortions

Committee:
Introduced by:
Analysis of: S.L. 2023-14

Date: November 17, 2023
Prepared by: Jason Moran-Bates
Staff Attorney

OVERVIEW: Part II of S.L. 2023-14, as amended by Part XIV of S.L. 2023-65, requires that all surgical abortions be performed in hospitals, ambulatory surgical centers, or licensed abortion clinics. It also authorizes the Department of Health and Human Services (DHHS) to adopt rules for the regulation of abortion clinics.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. The provisions in this Part of the act authorizing the adoption of rules became effective July 1, 2023. The remaining provisions in this Part of the act became effective October 1, 2023.

CURRENT LAW: Currently there are no statutory licensing requirements for abortion clinics, and all abortions must be performed in a hospital or clinic certified by administrative rule as a suitable facility for the performance of abortions.

BILL ANALYSIS: Part II S.L. 2023-14, as amended by Part XIV of S.L. 2023-65, requires all surgical abortions through the 12th week of pregnancy to be performed in a hospital, ambulatory surgical facility, or a licensed abortion clinic. All surgical abortions performed after 12 weeks of pregnancy must be performed in a hospital.

Part II also creates an abortion clinic licensing part in Article 6 of Chapter 131E. Abortion clinics must be licensed by the Department of Health and Human Services (DHHS) in order to operate. The license is renewable annually and subject to an initial fee of \$850, plus an additional fee of \$75 per operating room. The renewal fees are the same. DHHS is directed to adopt rules, no later than October 1, 2023, to govern the licensing of abortion clinics and has the right to investigate them for suspected violations of those rules. The rules can be no more restrictive than those for licensing ambulatory surgical centers. DHHS is able to seek injunctions and civil penalties for violations of the licensing requirements

EFFECTIVE DATE: This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. The provisions in this Part of the act authorizing DHHS to adopt rules became effective July 1, 2023. The remaining provisions in this Part of the act became effective October 1, 2023.

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Director



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Legislative Analysis
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