

60 Day Requirement ([IC 4-22-2-19](#))

LSA Document #22-74

July 13, 2022

On behalf of the Indiana Department of Health, I am submitting this notice in compliance with [IC 4-22-2-19](#), which requires an agency to begin the rulemaking process not later than 60 days after the effective date of the statute that authorizes the rule, unless a notice is filed with the Publisher stating the reasons for the agency's noncompliance.

This rule, which requires the reporting of abortion complications, is authorized by [IC 16-34-2-4.7](#), which was initially enacted by the legislature in 2018 and amended in 2019. However, the reporting requirement was enjoined by the United States District Court for the Southern District of Indiana in the case of Planned Parenthood of Indiana and Kentucky, Inc. v. Marion County Prosecutor, et al. The Court of Appeals for the Seventh Circuit ultimately found the statute to be constitutional, and the injunction was lifted in late 2021. An Emergency Rule was adopted by the Executive Board of the Indiana Department of Health on January 12, 2022, while this rulemaking was underway.

The Indiana Department of Health initiated the rulemaking process by publishing its Notice of Intent to Adopt a Rule in the Indiana Register on March 16, 2022 (DIN: [20220316-IR-410220074NIA](#)).

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