

HOUSE BILL NO. 661

INTRODUCED BY J. BONIEK

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE LICENSING OF ABORTION FACILITIES; ESTABLISHING LICENSE FEES, COMPLIANCE INSPECTIONS, AND FINES; PROVIDING FOR MINIMUM STANDARDS FOR ABORTION FACILITIES; PROVIDING FOR DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES RULEMAKING AUTHORITY; CREATING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING AN APPROPRIATION; AMENDING SECTION 50-20-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Licensing of abortion facilities. (1) A facility in which abortions are

performed may not be established or operated without a license issued by the department.

(2) A license may be issued for a period of 1 to 3 years.

(3) A license is valid only for the person and premises for which it was issued.

(4) A separate license is required for each abortion facility maintained on separate premises, even though the abortion facility is operated by the same management entity as another facility, but a separate license is not required for separate buildings on the same premises.

(5) A license may not be sold, assigned, or transferred.

NEW SECTION. Section 2. Application for abortion facility license -- fee -- renewal. (1) An applicant

for an abortion facility license shall submit an application to the department on a form prescribed by the department. A license is not required under this section if the facility is licensed under Title 50, chapter 5. The application must be accompanied by a nonrefundable license fee in an amount set by the department by rule.

(2) The department shall issue a license if, after inspection and investigation, the department finds the abortion facility meets the requirements set forth in [sections 1 through 4].

(3) The abortion facility shall display, in a location that is conspicuous to all patients, the facility's current license issued by the department.

(4) For renewal of an abortion facility license, the licensee shall submit to the department the license



1 renewal fee set by the department by rule.

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3 **NEW SECTION. Section 3. Compliance inspections.** (1) The department shall inspect an abortion
4 facility at reasonable times as necessary to ensure compliance with [sections 1 through 4].

5 (2) The department shall inspect an abortion facility before renewing the facility's license.

6 (3) The department may deny, suspend, or revoke an abortion facility license under the provisions of
7 50-5-207.

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9 **NEW SECTION. Section 4. Minimum standards for abortion facilities -- rulemaking authority.** (1)

10 The department shall adopt rules regarding a license to operate an abortion facility. The department shall adopt
11 minimum standards to protect the health and safety of a patient of an abortion facility. The rules must establish
12 minimum standards regarding:

13 (a) facility safety and sanitation;

14 (b) emergency equipment and procedures to provide emergency care;

15 (c) adequate private space designated for interviewing, counseling, and medical evaluations;

16 (d) procedure and recovery rooms;

17 (e) infection control;

18 (f) medication control;

19 (g) quality assurance;

20 (h) facility and laboratory equipment requirements, sanitation, testing, and maintenance;

21 (i) information on and access to patient followup care; and

22 (j) patient screening, assessment, and monitoring.

23 (2) The department shall verify the facility's compliance with the requirements provided in subsection
24 (1) by periodic inspection of the facilities conducted in accordance with the provisions of [section 3].

25

26 **Section 5.** Section 50-20-105, MCA, is amended to read:

27 **"50-20-105. Duties of department.** (1) The department shall make regulations to provide for the
28 humane disposition of dead infants or fetuses.

29 (2) The department shall make regulations for a comprehensive system of reporting of maternal deaths
30 and complications within the state resulting directly or indirectly from abortion, subject to the provisions of

1 50-20-110(5).

2 (3) The department shall make regulations providing for the health and safety of abortion facility clients
3 by requiring the licensing and inspection standards of abortion facilities as provided in [sections 1 through 4].

4 ~~(3)~~(4) The department shall report to the attorney general any apparent violation of this chapter. The
5 attorney general may impose a fine on an abortion facility in an amount not to exceed \$1,000 for each violation
6 of [section 1]."

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8 NEW SECTION. Section 6. Abortion facility inspection account. There is an abortion facility
9 inspection and licensing account in the state special revenue fund. The account must be used to offset the costs
10 incurred by the department for abortion facility inspections, inspection reporting, and licensing of abortion
11 facilities. Money is payable into the account as provided in [section 2]. Income and earnings on the account must
12 be deposited in the account. The account must be administered by the department as provided in [section 2].

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14 NEW SECTION. Section 7. Appropriation. There is appropriated \$5,000 for fiscal year 2010 and
15 \$5,000 for fiscal year 2011 from the state special revenue account created in [section 6] to the department for
16 the purposes described in [sections 1 through 4].

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18 NEW SECTION. Section 8. Codification instruction. [Sections 1 through 4 and 6] are intended to be
19 codified as an integral part of Title 50, chapter 20, and the provisions of Title 50, chapter 20, apply to [sections
20 1 through 4 and 6].

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22 NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 2009.

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