

**26-21-6.5 Licensing of an abortion clinic -- Rulemaking authority -- Fee.**

- (1) Beginning on April 1, 2012, a type I abortion clinic may not operate in the state without a license issued by the department to operate a type I abortion clinic.
- (2) A type II abortion clinic may not operate in the state without a license issued by the department to operate a type II abortion clinic.
- (3)
  - (a) The department shall make rules establishing minimum health, safety, sanitary, and recordkeeping requirements for:
    - (i) a type I abortion clinic; and
    - (ii) a type II abortion clinic.
  - (b) The rules established under Subsection (3)(a) shall take effect on April 1, 2012.
- (4) Beginning on April 1, 2012, in order to receive and maintain a license described in this section, an abortion clinic shall:
  - (a) apply for a license on a form prescribed by the department;
  - (b) satisfy and maintain the minimum health, safety, sanitary, and recordkeeping requirements established under Subsection (3)(a) that relate to the type of abortion clinic licensed;
  - (c) comply with the recordkeeping and reporting requirements of Subsection 76-7-305.6(4) and Section 76-7-313;
  - (d) comply with the requirements of Title 76, Chapter 7, Part 3, Abortion;
  - (e) pay the annual licensing fee; and
  - (f) cooperate with inspections conducted by the department.
- (5) Beginning on April 1, 2012, the department shall, at least twice per year, inspect each abortion clinic in the state to ensure that the abortion clinic is complying with all statutory and licensing requirements relating to the abortion clinic. At least one of the inspections shall be made without providing notice to the abortion clinic.
- (6) Beginning on April 1, 2012, the department shall charge an annual license fee, set by the department in accordance with the procedures described in Section 63J-1-504, to an abortion clinic in an amount that will pay for the cost of the licensing requirements described in this section and the cost of inspecting abortion clinics.
- (7) The department shall deposit the licensing fees described in this section in the General Fund as a dedicated credit to be used solely to pay for the cost of the licensing requirements described in this section and the cost of inspecting abortion clinics.

Enacted by Chapter 161, 2011 General Session