

HB0384S01 compared with HB0384

~~deleted text~~ shows text that was in HB0384 but was deleted in HB0384S01.

Inserted text shows text that was not in HB0384 but was inserted into HB0384S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Brian S. King proposes the following substitute bill:

ABORTION CLINIC LICENSING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill limits the Department of Health's rulemaking authority.

Highlighted Provisions:

This bill:

- ▶ prohibits the Department of Health from making licensing rules regarding hospital admitting privileges or a hospital transfer agreement for an abortion service provider.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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AMENDS:

26-21-6.5, as enacted by Laws of Utah 2011, Chapter 161

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-21-6.5** is amended to read:

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) ~~of~~

~~shall take effect on April 1, 2012.~~ ~~and~~

~~(ii) may not require hospital admitting privileges or a hospital transfer agreement for an abortion service provider, including an attending physician or a medical director.~~

(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

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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.

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Legislative Review Note

~~Office of Legislative Research and General Counsel;~~ (8) The department shall review and, if necessary, revise the department's rules to ensure that the rules comply with binding federal case law relating to requirements for hospital admitting privileges or a hospital transfer agreement by an abortion service provider.