

Warrick County Ordinance 2011-04

AN ORDINANCE CONCERNING ABORTION PROVIDER PATIENT SAFETY

WHEREAS, the State of Indiana, pursuant to Indiana Code §16-18-2-1, has defined “abortion” as the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus; and

WHEREAS, the State of Indiana has defined provisions for legally performing abortion procedures, pursuant to Indiana Code § 16-34; and

WHEREAS, the State of Indiana does not require abortion providers to have admitting privileges in any hospital; and

WHEREAS, the Warrick County Commissioners are empowered to protect the health and safety of the residents of Warrick County; and

WHEREAS, there exists a very real and distinct possibility adverse medical outcomes for women having abortions; and

WHEREAS, the enactment of reasonable requirements for abortion providers in Warrick County, Indiana, to have admitting privileges at a hospital in Warrick County, Indiana, or a County adjacent to Warrick County, Indiana, is in the best interest of the residents of Warrick County, Indiana; and

WHEREAS, the Warrick County Commissioners desire to adopt an ordinance to protect patient safety.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Warrick County, Indiana as follows:

SECTION 1. ADDITION OF A NEW SECTION TO THE CODE OF ORDINANCES OF WARRICK COUNTY

Title 13 “Public Safety” and Chapter 132 “Health and Safety” of the Code of Ordinances of Warrick County, Indiana, is amended by adding a new section “§ 132.06”, which new section shall read as follows:

“§ 132.06 Physician, Abortion Provider, Hospital; Requirement for Admitting Privileges.

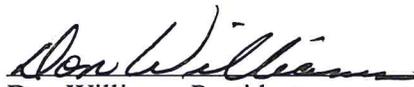
- A. Definitions.
- (1.) “Physician”, for the purposes of this section, is defined as stated in Indiana Code § 16-18-2-282.
 - (2.) “Abortion Provider”, for the purposes of this section, is defined as a physician which performs abortions.
 - (3.) “Hospital”, for the purposes of this section, is defined as stated in Indiana Code § 16-18-2-179(b).
- B. An abortion provider may not perform an abortion in Warrick County unless the physician has admitting privileges at a hospital located:
- (1.) in Warrick County; or
 - (2.) in an Indiana county adjacent to Warrick County.
- C. An abortion provider who performs an abortion in Warrick County shall notify the patient of the location of the hospital at which the physician has admitting privileges and where the patient may receive follow-up care by the physician if complications arise.
- D. No hospital within Warrick County shall allow an abortion to be performed within its facility unless said procedure is performed by a physician who has admitting privileges at said hospital or a hospital in an Indiana county adjacent to Warrick County.”

SECTION 2. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Warrick County, and publication once each week for two (2) consecutive weeks as provided in I.C. § 5-3-1.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, STATE OF INDIANA THIS 14TH DAY OF FEBRUARY, 2011.

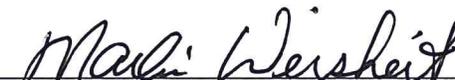
BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA



Don Williams, President



Tim Mosbey, Vice President



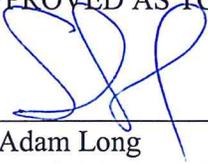
Marlin Weisheit, Commissioner

ATTEST:



L.B. Dugan
Warrick County Auditor

APPROVED AS TO LEGAL FORM:



S. Adam Long

LONG & MATHIES LAW FIRM

A Professional Corporation

County Attorney