

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1312

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H.P. 890

House of Representatives, April 9, 2015

### An Act To License Outpatient Surgical Abortion Facilities

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Reference to the Committee on Judiciary suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea.  
Cosponsored by Senator BRAKEY of Androscoggin and  
Representatives: NADEAU of Winslow, SHORT of Pittsfield, STANLEY of Medway,  
VACHON of Scarborough, Senator: HAMPER of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1812-L** is enacted to read:

3 **§1812-L. Surgical abortion facilities**

4 **1. Purpose.** In the interest of the protection of the lives, health and welfare of  
5 citizens of this State and the safe and successful operation of public health facilities, this  
6 section expands the licensing authority of the department's division of licensing and  
7 regulatory services to regulate and license surgical abortion facilities.

8 **2. Definitions.** As used in this section, unless the context otherwise indicates, the  
9 following terms have the following meanings.

10 A. "Abortion" means the intentional interruption of a pregnancy by the application of  
11 external agents, whether chemical or physical, or the ingestion of chemical agents  
12 with an intention other than to produce a live birth or remove a dead fetus, regardless  
13 of the length of gestation.

14 B. "Division" means the department's division of licensing and regulatory services.

15 C. "Person" means an individual person, partnership, association or corporation,  
16 including state, county or local governmental units.

17 D. "Physician" means a person licensed under Title 32, chapter 36 or 48 to practice  
18 medicine in this State as an osteopathic or allopathic physician.

19 E. "Regular service" means a procedure that is performed on site on a routine basis.

20 F. "Surgical abortion facility" means an outpatient facility that is not otherwise  
21 licensed by the division that provides surgical termination of pregnancy as a regular  
22 service or that uses physical external agents to terminate pregnancies in accordance  
23 with chapter 263-B. Premises operated primarily as a physician practice are not  
24 surgical abortion facilities.

25 **3. License required.** The following provisions govern the licensing of surgical  
26 abortion facilities.

27 A. A person may not establish or operate a surgical abortion facility without  
28 obtaining a license issued by the division.

29 B. A license issued under this section is valid for 24 months from the date of issue,  
30 unless suspended or revoked or otherwise conditioned pursuant to section 1817.

31 C. A license issued under this section is not assignable or transferable.

32 D. A person seeking a license to operate a surgical abortion facility shall file an  
33 application and pay initial licensing and renewal fees in accordance with rules  
34 adopted pursuant to this subsection.

35 E. The department shall adopt rules, which are major substantive rules as described  
36 in Title 5, chapter 375, subchapter 2-A, identifying the conditions under which a  
37 surgical abortion facility license may be granted, conditioned or denied. These rules  
38 must include licensing fees.

