

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To License Outpatient Surgical Abortion Facilities

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

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

§ 1812-L. Surgical abortion facilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Surgical abortion facility operations. A person who operates a surgical abortion facility shall comply with all applicable federal and state laws, regulations and rules. The department may adopt major substantive rules, as described in Title 5, chapter 375, subchapter 2-A, establishing reasonable operational and safety standards for a surgical abortion facility.

A. The division shall conduct inspections of surgical abortion facilities in order to verify compliance with this section and applicable federal and state laws, regulations and rules.

B. The division shall investigate complaints concerning patient care and safety at surgical abortion facilities and suspected noncompliance with applicable federal or state laws, regulations and rules by surgical abortion facilities.

SUMMARY

This bill requires outpatient surgical abortion facilities to be licensed by the Department of Health and Human Services. The department must adopt rules governing licensing of these facilities and may adopt rules establishing reasonable operational and safety standards for these facilities.