



ADMINISTRATIVE RULES OF MONTANA



37.106.3102 MINIMUM STANDARDS FOR ABORTION CLINICS: LICENSING

- (1) A clinic or other facility that performs surgical abortions or that provides abortion-inducing drugs to five or more patients each year must be licensed as an abortion clinic.
 - (a) The following are not abortion clinics and are not required to be licensed as such:
 - (i) a hospital as defined in 50-5-101, MCA;
 - (ii) a critical access hospital as defined in 50-5-101, MCA;
 - (iii) a rural emergency hospital as defined in 50-5-101, MCA;
 - (iv) an outpatient center for surgical services as defined in 50-5-101, MCA; and
 - (v) a facility that provides, prescribes, administers, or dispenses an abortion-inducing drug to fewer than five patients each year.
- (2) An application for licensure of an abortion clinic must be received by the department, and must include:
 - (a) name of the applicant;
 - (b) location of the abortion clinic;
 - (c) administrator of the abortion clinic;
 - (d) medical director of the abortion clinic;
 - (e) qualifications of the administrator, medical director, and all professional staff;
 - (f) disclosures regarding:
 - (i) whether the applicant, owner, or affiliate has operated an abortion clinic that was closed as a direct result of issues of patient health and safety;
 - (ii) whether the owner or any clinic staff has been convicted of a felony offense; and
 - (iii) whether the owner or any clinic staff was ever employed by a facility owned or operated by the applicant that closed because of administrative or legal action;
 - (g) the type(s) of abortions the abortion clinic will perform or provide, and any gestational limits to such services; and
 - (h) an attestation that the applicant is of reputable and responsible character and is able to comply with all rules applicable to abortion clinics.

- (3) An applicant must submit, with the application, administrative and legal documentation concerning information relating to (f); inspection reports, if any; and violation remediation contracts, if any.
- (4) The abortion clinic will submit a license fee of \$450 to the department with the initial application, and with each annual renewal application.
- (5) The department will conduct inspections of abortion clinics as follows:
 - (a) Abortion clinics will receive an annual licensure inspection to determine compliance with the applicable Administrative Rules of Montana and Montana Code Annotated related to licensing of abortion clinics.
 - (b) If the department receives a complaint relating to an abortion clinic, it will conduct an investigation which may include additional inspection of the abortion clinic if needed to resolve the complaint.
 - (c) Licensed premises must be open to inspection by the department or its authorized representatives, and access to all records must be granted to the department, at all reasonable times.
- (6) The department may deny, suspend, or revoke the license of an abortion clinic pursuant to 50-5-207, MCA.

Authorizing statute(s): 50-20-903, MCA

Implementing statute(s): 50-5-101, 50-20-902, 50-20-903, 50-20-904, MCA

History: NEW, 2024 MAR p. 2242, Eff. 9/21/24.