

All buildings ~~that are~~ approved for construction, after ~~August 15, 1975~~ July 1, 1998, that exceed four stories in height, or ~~sixty-five~~ seventy-five feet above grade, shall require the installation of an approved automatic fire extinguishing system designed and installed in conformity with rules promulgated by the state fire marshal pursuant to this chapter.

Sec. 2. Section 101.2, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

101.2 SCOPE OF RULES.

Except as otherwise provided in this chapter, the rules shall be in substantial compliance with the standards of the national fire protection association relating to flammable liquids and liquefied petroleum gases.

Sec. 3. Section 101.12, Code 1997, is amended to read as follows:

101.12 ABOVEGROUND PETROLEUM TANKS AUTHORIZED.

Rules of the state fire marshal ~~shall permit~~ permitting installation of aboveground petroleum storage tanks for retail motor vehicle fuel outlets ~~as permitted by the latest edition of the~~ shall be in substantial compliance with the applicable standards of the national fire protection association ~~rule 30A, and shall be~~ subject to the approval of the governing body of the local governmental subdivision with jurisdiction over the site of the outlet.

Sec. 4. Section 100.32, Code 1997, is repealed.

Approved March 2, 1998

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## CHAPTER 1009

### PARTIAL-BIRTH ABORTIONS

S.F. 2073

**AN ACT** prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 707.8A PARTIAL-BIRTH ABORTION PROHIBITED — EXCEPTIONS — PENALTIES.

1. As used in this section, unless the context otherwise requires:

a. "Abortion" means abortion as defined in section 146.1.

b. "Fetus" means a human fetus.

c. "Partial-birth abortion" means an abortion in which a person partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

d. "Vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivering into the vagina a living fetus or a substantial portion of a living fetus for the purpose of performing a procedure the person knows will kill the fetus, and then killing the fetus.

2. A person shall not knowingly perform or attempt to perform a partial-birth abortion. This prohibition shall not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury.

3. This section shall not be construed to create a right to an abortion.

4. a. The mother on whom a partial-birth abortion is performed, the father of the fetus, or

if the mother is less than eighteen years of age or unmarried at the time of the partial-birth abortion, a maternal grandparent of the fetus, may bring an action against a person violating subsection 2 to obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the partial-birth abortion.

b. In an action brought under this subsection, appropriate relief may include any of the following:

(1) Statutory damages which are equal to three times the cost of the partial-birth abortion.

(2) Compensatory damages for all injuries, psychological and physical, resulting from violation of subsection 2.

5. A person who violates subsection 2 is guilty of a class "C" felony.

6. A mother upon whom a partial-birth abortion is performed shall not be prosecuted for violation of subsection 2 or for conspiracy to violate subsection 2.

7. a. A licensed physician subject to the authority of the state board of medical examiners who is accused of a violation of subsection 2 may seek a hearing before the board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury.

b. The board's findings concerning the physician's conduct are admissible at the criminal trial of the physician. Upon a motion of the physician, the court shall delay the beginning of the trial for not more than thirty days to permit the hearing before the board of medical examiners to take place.

Approved March 4, 1998

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## CHAPTER 1010

### DENTAL HYGIENE COMMITTEE

S.F. 2075

**AN ACT** relating to the creation of a dental hygiene committee within the board of dental examiners.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 147.14, subsection 4, Code 1997, is amended to read as follows:

4. For dental examiners, five members shall be licensed to practice dentistry, two members shall be licensed to practice dental hygiene and two members not licensed to practice dentistry or dental hygiene and who shall represent the general public. A majority of the members of the board shall constitute a quorum. No member of the dental faculty of the school of dentistry at the state University of Iowa shall be eligible to be appointed. Beginning January 1, 2000, persons appointed to the board as dental hygienist members shall not be employed by or receive any form of remuneration from a dental or dental hygiene educational institution. The two dental hygienist board members and one dentist board member shall constitute a dental hygiene committee of the board as provided in section 153.33A.

Sec. 2. **NEW SECTION. 153.33A DENTAL HYGIENE COMMITTEE.**

1. A three-member dental hygiene committee of the board of dental examiners is created, consisting of the two dental hygienist members of the board and one dentist member of the board. The dentist member of the committee must have supervised and worked in collaboration with a dental hygienist for a period of at least three years immediately preceding elec-