

Senate File 13 - Introduced

SENATE FILE 13

BY ANDERSON

A BILL FOR

1 An Act prohibiting gender-selection abortions, and providing
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 146A.1 Gender-selection abortions
2 — prohibited — criminal penalties — certification — civil and
3 injunctive relief.

4 1. A person who knowingly does any of the following commits
5 a class "C" felony:

6 a. Performs an abortion which is sought based upon the
7 gender of the fetus.

8 b. Uses force or the threat of force for the purpose of
9 coercing a woman into an abortion based on gender of the fetus.

10 c. Solicits or accepts money to perform an abortion based
11 upon the gender of the fetus.

12 2. A criminal penalty shall not be imposed under this
13 section on a woman upon whom an abortion is performed.

14 3. A physician shall not perform an abortion on a woman
15 unless the physician first certifies in writing that the
16 physician is not performing the abortion based on the gender
17 of the fetus and has no knowledge that the woman seeking the
18 abortion is seeking the abortion based upon the gender of the
19 fetus. A copy of the written certification shall be maintained
20 in the woman's medical record.

21 4. A woman upon whom a gender-selection abortion is
22 performed in violation of this section, or the spouse of
23 the woman at the time that the gender-selection abortion is
24 performed on the woman in violation of this section, may
25 maintain a civil action against the physician who performed
26 the abortion in violation of this section for actual damages.
27 If the plaintiff prevails in an action brought under this
28 subsection, the plaintiff shall be entitled to an award for
29 reasonable attorney fees. If the defendant prevails in an
30 action brought under this section and the court finds that the
31 plaintiff's suit was frivolous and brought in bad faith, the
32 defendant shall be entitled to an award for reasonable attorney
33 fees.

34 5. A cause of action for injunctive relief to prevent
35 a physician from performing abortions may be maintained by

1 the county attorney with appropriate jurisdiction or by the
2 attorney general against a physician who has violated this
3 section.

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EXPLANATION

5 This bill relates to abortions performed based on gender
6 selection.

7 The bill provides that a physician commits a class "C"
8 felony if the physician performs an abortion which is sought
9 based upon the gender of the fetus, uses force or the threat
10 of force for the purpose of coercing a woman into an abortion
11 based on the gender of the fetus, or solicits or accepts money
12 to perform an abortion based upon the gender of the fetus. The
13 bill provides, however, that a criminal penalty shall not be
14 imposed on a woman upon whom an abortion is performed.

15 The bill also requires that prior to performing an abortion,
16 a physician shall first certify in writing that the physician
17 is not performing the abortion based on the gender of the fetus
18 and has no knowledge that the woman seeking the abortion is
19 seeking the abortion based upon the gender of the fetus. A
20 copy of the written certification is required to be maintained
21 in the woman's medical record.

22 The bill provides that a woman upon whom a gender-selection
23 abortion is performed in violation of the bill, or the spouse
24 of the woman, may maintain a civil action against the physician
25 who performed the abortion in violation of the bill for actual
26 damages, and provides for awarding of reasonable attorney fees.

27 The bill also provides that the county attorney with
28 jurisdiction, or the attorney general, may maintain a cause
29 of action for injunctive relief to prevent a physician from
30 performing abortions if the physician has violated a provision
31 of the bill.