

March 27, 1967
Passed on File
Public Health and Welfare 3/29

Senate File 645

By ELY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

An Act relating to abortion.

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

1 Section 1. Any person who willfully and unjustifiably
2 terminates the pregnancy of another otherwise than by a live
3 birth shall be guilty of a felony.

1 Sec. 2. Any person who, representing that it is his pur-
2 pose to perform an abortion, commits an act adapted to cause
3 abortion in a pregnant woman, shall be guilty of a felony,
4 and it shall be no defense that such person did not believe
5 the woman to be pregnant or that the woman was in fact not
6 pregnant.

1 Sec. 3. A person charged with abortion under section one
2 (1) of this Act or an attempt to commit that offense under
3 section two (2) of this Act may be convicted thereof upon
4 proof of conduct prohibited by the section under which charged.

1 Sec. 4. Except as permitted under this Act, any person who
2 induces or knowingly aids a woman to use instruments, drugs, or
3 violence upon herself for the purpose of terminating her own
4 pregnancy otherwise than by a live birth shall be guilty of a
5 felony.

1 Sec. 5. Any person who sells, offers to sell, possesses
2 with intent to sell, advertises, or displays for sale anything
3 specially designed to terminate a pregnancy, or held out as
4 useful for that purpose, shall be guilty of a misdemeanor and
5 upon conviction shall be fined not to exceed five hundred (500)

6 dollars or imprisoned in the county jail for a term of not more
7 than one (1) year, or by both such fine and imprisonment; except
8 that such conduct shall be lawful if:

9 1. The sale, offer, or display is to a physician, osteopathic
10 physician and surgeon, druggist, or to an intermediary in a chain
11 of distribution to physicians, osteopathic physicians and surgeons,
12 or druggists.

13 2. The sale is made upon prescription or order of a physician,
14 or osteopathic physician and surgeon.

15 3. The possession is with intent to sell as authorized in this
16 section.

17 4. The advertising is addressed to physicians, osteopathic
18 physicians and surgeons, and druggists and confined to trade or
19 professional channels not likely to reach the general public.

1 Sec. 6. A licensed physician or osteopathic physician and
2 surgeon shall be justified in terminating a pregnancy and may pro-
3 duce a miscarriage or abortion if he believes:

4 1. That there is substantial risk that continuance of the
5 pregnancy will gravely impair the physical or mental health of
6 the mother.

7 2. That the child will be born with grave physical or mental
8 defect.

9 3. That the pregnancy resulted from rape, incest, or other
10 felonious intercourse.

11 Abortions permitted under this Act shall be performed only in
12 a licensed hospital except in an emergency or when hospital fa-
13 cilities are unavailable.

1 Sec. 7. No abortion shall be performed unless three (3)
2 physicians or osteopathic physicians and surgeons, one (1) of
3 whom may be the person performing the abortion, shall have certi-
4 fied in writing the name of the woman for whom the abortion is
5 recommended and the circumstances they believe to justify the
6 abortion.

7 The certificate shall be submitted to the records and sta-
8 tistics division of the state department of health, and, if the
9 abortion is to be performed in a licensed hospital, the certificate

10 shall also be submitted to such hospital prior to the abortion.
 11 Where the abortion is believed to follow felonious intercourse,
 12 the certificate shall also be submitted to the county attorney
 13 of the county in which the abortion is performed. Failure to
 14 comply with any of the requirements of this section shall give
 15 rise to a presumption that the abortion was unlawful.

1 Sec. 8. Nothing in this Act shall be deemed applicable to
 2 the prescription, administration, or distribution of drugs or
 3 other substances for avoiding pregnancy, whether by preventing
 4 implantation of a fertilized ovum or by any other method that
 5 operates before, at, or immediately after fertilization.

1 Sec. 9. Any person convicted of a felony under this Act shall
 2 be fined not to exceed one thousand (1,000) dollars and be im-
 3 prisoned in the penitentiary for a term not to exceed five (5)
 4 years.

1 Sec. 10. Section seven hundred one point one (701.1), Code
 2 1966, is hereby repealed.

1 Amend Senate File 644 by striking from line three (3) of
 2 Section 5 the words and figures "twenty-five thousand
 3 (25,000)" and inserting in lieu thereof the words and
 4 figures "fifteen thousand (15,000)".

Filed
 May 25, 1967

By KLEFSTAD

1 Amend Senate File 644 by adding thereto the follow-
 2 ing section:
 3 "Sec. 7. Anything in this Act to the contrary
 4 notwithstanding, none of the functions, powers,
 5 duties and discretions of the Upper Mississippi
 6 Riverway District or the Upper Mississippi River
 7 Commission shall supersede or limit the functions,
 8 powers, duties and discretions of counties, townships,
 9 school districts, cities, towns, levee districts,
 10 drainage districts, levee and drainage districts,
 11 or any other governmental subdivision or of their
 12 governing officials."

Filed
 May 26, 1967

By LODWICK

