Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 89
"Parental Notification of Intent to Terminate a Pregnancy Through Abortion"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135L
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 135L

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 6, 2024 2 to 3 p.m.	Microsoft Teams Meeting ID: 238 807 808 374 Passcode: sCAuM5

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Des Moines, Iowa 50319
Phone: 515.829.6021
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Purpose and Summary

These proposed rules provide the procedures and documentation necessary for notification of a parent or grandparent of a pregnant minor prior to the termination of the pregnancy through abortion.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Medical providers will bear the costs.

- Classes of persons that will benefit from the proposed rulemaking:

Medical providers will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

No quantitative impact for this rulemaking has been identified. The decision-making assistance program is established in Iowa Code chapter 135L. There are no substantive changes to rules related to notification procedures, also established in Iowa Code chapter 135L.

- Qualitative description of impact:

The rules in this chapter provide clarity and structure to medical providers regarding the specific procedural requirements for notifying a parent or grandparent of a pregnant minor seeking the termination of a pregnancy through abortion.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Department incurs personnel costs to support the execution of the procedures described in this chapter.

- Anticipated effect on state revenues:

No impact was identified.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The absence of these procedures could lead to lack of understanding or confusion for medical providers regarding the specific procedural requirements for notifying a parent or grandparent of a pregnant minor seeking the termination of a pregnancy through abortion.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

A less costly method has not been identified to achieve the purpose of this rulemaking.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None. This chapter implements notification procedures as mandated by the Iowa Code.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

These procedures are mandated by the Iowa Code.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 89 and adopt the following **new** chapter in lieu thereof:

CHAPTER 89
PARENTAL NOTIFICATION OF INTENT TO
TERMINATE A PREGNANCY THROUGH ABORTION

641—89.1(135L) Definitions.

"Abortion" means an abortion as defined in Iowa Code chapter 146C.

"Court" means juvenile court.

"Grandparent" means the same as defined in Iowa Code chapter 135L.

"Licensed physician" means a physician as licensed by the Iowa board of medical examiners.

"Medical emergency" means the same as defined in Iowa Code chapter 135L.

"Minor" means the same as defined in Iowa Code chapter 135L.

"Parent" means the same as defined in Iowa Code chapter 135L.

641—89.2(135L) Notification of parent prior to the performance of abortion on a pregnant minor.

89.2(1) Notification is made to the parent pursuant to Iowa Code section 135L.3, unless a judicial waiver is granted as provided in Iowa Code section 135L.3, or unless any of the conditions of rule 641—89.3(135L) have been met.

a. The notification form shall be in duplicate and may be provided by the department and include, at a minimum, the following:

(1) The name of the minor.

(2) Notification of the intent to terminate the pregnancy.

(3) The name, address, and relationship of the person to be notified.

b. The licensed physician who performs the abortion will keep the original notification form as a part of the minor's medical record relating to the termination of the pregnancy.

c. A copy of the completed notification form is provided to the pregnant minor.

89.2(2) Reserved.

641—89.3(135L) Notification procedures in the event of an exception.

89.3(1) The licensed physician who performs the abortion will keep all written documentation as a part of the minor's medical record relating to the termination of the pregnancy.

89.3(2) Upon receipt of the written statement from the pregnant minor, the licensed physician who performs the abortion provides notification to a grandparent of the pregnant minor, specified by the pregnant minor, in the manner in which the notification of a parent was prescribed in rule 641—89.2(135L).

a. The notification form shall be in duplicate and may be provided by the department, and include, at a minimum, the following:

(1) The name of the minor.

(2) Notification of the intent to terminate the pregnancy.

(3) The name, address, and relationship of the person to be notified.

(4) A declaration that informs the grandparent of the pregnant minor that the grandparent of the pregnant minor may be subject to civil action if the grandparent accepts notification.

(5) A provision that the grandparent of the pregnant minor may refuse acceptance of notification and a provision that the grandparent immediately contact the licensed physician if refusing acceptance of the notification.

b. A copy of the completed notification form is to be provided to the pregnant minor.

These rules are intended to implement Iowa Code chapter 135L as amended by 1997 Iowa Acts, House File 121.