

146B.3 Civil actions and penalties.

1. Failure of a physician to comply with any provision of [section 146B.2](#), with the exception of the late filing of a report or failure to submit a complete report in compliance with a court order, is grounds for licensee discipline under [chapter 148](#).

2. A woman upon whom an abortion has been performed in violation of [this chapter](#) may maintain an action against the physician who performed the abortion in intentional or reckless violation of [this chapter](#) for actual damages.

3. A woman upon whom an abortion has been attempted in violation of [this chapter](#) may maintain an action against the physician who attempted the abortion in intentional or reckless violation of [this chapter](#) for actual damages.

4. A cause of action for injunctive relief to prevent a physician from performing abortions may be maintained against a physician who has intentionally violated [this chapter](#) by the woman upon whom the abortion was performed or attempted, by a parent or guardian of the woman if the woman is less than eighteen years of age at the time the abortion was performed or attempted, by a current or former licensed health care provider of the woman, by a county attorney with appropriate jurisdiction, or by the attorney general.

5. If the plaintiff prevails in an action brought under [this section](#), the plaintiff shall be entitled to an award for reasonable attorney fees.

6. If the defendant prevails in an action brought under [this section](#) and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the defendant shall be entitled to an award for reasonable attorney fees.

7. Damages and attorney fees shall not be assessed against the woman upon whom an abortion was performed or attempted except as provided in [subsection 6](#).

8. In a civil proceeding or action brought under [this chapter](#), the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted shall be preserved from public disclosure if the woman does not provide consent to such disclosure. The court, upon motion or on its own motion, shall make such a ruling and, upon determining that the woman's anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under [this section](#) shall do so under a pseudonym. [This subsection](#) shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

9. [This chapter](#) shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed or attempted.

[2017 Acts, ch 108, §4, 7](#)

NEW section