

CHAPTER 146E

ABORTION — FETAL HEARTBEAT

146E.1 Definitions.

146E.2 Abortion — fetal heartbeat — exceptions.

146E.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Abortion*” means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus.
2. “*Fetal heartbeat*” means cardiac activity, the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.
3. “*Fetal heartbeat exception*” means any of the following:
 - a. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician.
 - b. The pregnancy is the result of incest which is reported within one hundred forty days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician.
 - c. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.
 - d. The attending physician certifies that the fetus has a fetal abnormality that in the physician’s reasonable medical judgment is incompatible with life.
4. “*Medical emergency*” means the same as defined in [section 146A.1](#).
5. “*Physician*” means a person licensed under [chapter 148](#).
6. “*Reasonable medical judgment*” means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
7. “*Unborn child*” means the same as defined in [section 146A.1](#).

[2023 Acts, 1st Ex, ch 1, §1, 3](#)

NEW section

146E.2 Abortion — fetal heartbeat — exceptions.

1. Except in the case of a medical emergency or fetal heartbeat exception, a physician shall not perform an abortion unless the physician has first complied with the prerequisites of [chapter 146A](#) and has tested the pregnant woman as specified in [this subsection](#), to determine if a fetal heartbeat is detectable.

a. In testing for a detectable fetal heartbeat, the physician shall perform an abdominal ultrasound, necessary to detect a fetal heartbeat according to standard medical practice and including the use of medical devices, as determined by standard medical practice and specified by rule of the board of medicine.

b. Following the testing of the pregnant woman for a detectable fetal heartbeat, the physician shall inform the pregnant woman, in writing, of all of the following:

- (1) Whether a fetal heartbeat was detected.
- (2) That if a fetal heartbeat was detected, an abortion is prohibited.

c. Upon receipt of the written information, the pregnant woman shall sign a form acknowledging that the pregnant woman has received the information as required under [this subsection](#).

2. a. A physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician’s reasonable medical judgment, a medical emergency or fetal heartbeat exception exists.

b. Notwithstanding paragraph “a”, if a physician determines that the probable postfertilization age, as defined in [section 146B.1](#), of the unborn child is twenty or more weeks, the physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless in the physician’s reasonable medical judgment the pregnant woman has a condition which the physician

deems a medical emergency, as defined in [section 146B.1](#), or the abortion is necessary to preserve the life of an unborn child.

3. A physician shall retain in the woman's medical record all of the following:

a. Documentation of the testing for a fetal heartbeat as specified in [subsection 1](#) and the results of the fetal heartbeat test.

b. The pregnant woman's signed form acknowledging that the pregnant woman received the information as required under [subsection 1](#).

4. [This section](#) shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed in violation of [this section](#).

5. The board of medicine shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).

[2023 Acts, 1st Ex, ch 1, §2, 3](#)

NEW section