

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](#)

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](#)