

Senate Amendment 3055

Amendment Text

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1 1 Amend [Senate File 13](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 7 and 8.
1 4 #2. Page 1, by striking lines 9 through 11 and
1 5 inserting the following:
1 6 "5. "Medical emergency" means a condition that,
1 7 based on a physician's clinical judgment, so
1 8 complicates the medical condition of a pregnant minor
1 9 as to necessitate the immediate abortion of the
1 10 minor's pregnancy to avert the minor's death or for
1 11 which a delay will create a risk of substantial and
1 12 irreversible impairment of a major bodily function."
1 13 #3. Page 1, by striking lines 14 through 18 and
1 14 inserting the following:
1 15 "7. "Parent" means one parent or a legal guardian
1 16 or custodian of a pregnant minor."
1 17 #4. Page 1, by striking line 21 and inserting the
1 18 following: "minor to assist the minor in the".
1 19 #5. By striking page 1, line 23, through page 5,
1 20 line 13, and inserting the following:
1 21 "Sec. _____. NEW SECTION. 135L.2 DECISION-MAKING
1 22 ASSISTANCE PROGRAM FOR PROSPECTIVE MINOR PARENTS
1 23 ESTABLISHED.
1 24 1. A decision-making assistance program is created
1 25 to provide assistance to minors in making informed
1 26 decisions relating to pregnancy. The program shall
1 27 offer and include all of the following:
1 28 a. (1) A video, to be developed by a person
1 29 selected through a request for proposals process,
1 30 which provides information regarding the various
1 31 options available to a pregnant minor with regard to
1 32 the pregnancy, including a decision to continue the
1 33 pregnancy to term and retain parental rights following
1 34 the child's birth, a decision to continue the
1 35 pregnancy to term and place the child for adoption
1 36 following the child's birth, and a decision to
1 37 terminate the pregnancy through abortion. The video
1 38 shall provide the information in a manner and
1 39 language, including but not limited to, the use of
1 40 closed captioning for the hearing-impaired, which
1 41 could be understood by a minor.
1 42 (2) The video shall explain that public and
1 43 private agencies are available to assist a pregnant
1 44 minor with any alternative chosen.
1 45 (2A) The video shall explain that if the pregnant
1 46 minor decides to continue the pregnancy to term, and
1 47 to retain parental rights to the child, the father of
1 48 the child is liable for the support of the child.
1 49 (3) The video shall explain that tendering false
1 50 documents is a fraudulent practice in the fourth
2 1 degree pursuant to section 135L.7.
2 2 b. Written decision-making materials which include
2 3 all of the following:
2 4 (1) Information regarding the options described in
2 5 the video including information regarding the agencies
2 6 and programs available to provide assistance to the
2 7 pregnant minor in parenting a child; information

2 8 relating to adoption including but not limited to
2 9 information regarding child placing agencies as
2 10 defined in section 238.2, including private,
2 11 quasipublic, and public agencies or persons; and
2 12 information regarding abortion including but not
2 13 limited to the legal requirements relative to the
2 14 performance of an abortion on a pregnant minor. The
2 15 information provided shall include information
2 16 explaining that if a pregnant minor decides to
2 17 continue the pregnancy to term and to retain parental
2 18 rights, the father of the child is liable for the
2 19 support of the child and that if the pregnant minor
2 20 seeks public assistance on behalf of the child, the
2 21 pregnant minor shall, and if the pregnant minor is not
2 22 otherwise eligible as a public assistance recipient,
2 23 the pregnant minor may, seek the assistance of the
2 24 child support recovery unit in establishing the
2 25 paternity of the child, and in seeking support
2 26 payments for a reasonable amount of the costs
2 27 associated with the pregnancy, medical support, and
2 28 maintenance from the father of the child, or if the
2 29 father is a minor, from the parents of the minor
2 30 father. The information shall include a listing of
2 31 the agencies and programs and the services available
2 32 from each.

2 33 (2) A workbook which is to be used in viewing the
2 34 video and which includes a questionnaire and exercises
2 35 to assist a pregnant minor in viewing the video and in
2 36 considering the options available regarding the
2 37 minor's pregnancy.

2 38 (3) A detachable certification form to be signed
2 39 by the pregnant minor certifying that the pregnant
2 40 minor was offered a viewing of the video and the
2 41 written decision-making materials.

2 42 2. a. The video shall be available through the
2 43 state and local offices of the Iowa department of
2 44 public health, the department of human services, and
2 45 the judicial department and through the office of each
2 46 licensed physician who performs abortions.

2 47 b. The video may be available through the office
2 48 of any licensed physician who does not perform
2 49 abortions, upon the request of the physician; through
2 50 any nonprofit agency serving minors, upon the request
3 1 of the agency; and through any other person providing
3 2 services to minors, upon the request of the person.

3 3 3. During the initial appointment between a
3 4 licensed physician and a pregnant minor, a licensed
3 5 physician, who is providing medical services to a
3 6 pregnant minor, shall offer the viewing of the video
3 7 and the written decision-making materials to the
3 8 pregnant minor, and shall obtain the signed and dated
3 9 certification form from the pregnant minor. If the
3 10 pregnant minor has previously been offered the viewing
3 11 of the video and the written decision-making materials
3 12 by another source, the licensed physician shall obtain
3 13 the completed written certification form from the
3 14 other source to verify that the pregnant minor has
3 15 been offered the viewing of the video and the written
3 16 decision-making materials. A licensed physician shall
3 17 not perform an abortion on a pregnant minor prior to
3 18 obtaining the completed certification form from a
3 19 pregnant minor.

3 20 4. A pregnant minor shall be encouraged to select
3 21 a responsible adult, preferably a parent of the
3 22 pregnant minor, to accompany the pregnant minor in
3 23 viewing the video and receiving the decision-making
3 24 materials.

3 25 5. The person responsible for impregnating the
3 26 pregnant minor shall also be involved in the viewing
3 27 of the video and in the receipt of written decision-
3 28 making materials.

3 29 6. Following the offering of the viewing of the
3 30 video and of the written decision-making materials,
3 31 the pregnant minor shall sign and date the
3 32 certification form attached to the materials, and
3 33 shall submit the completed form to the licensed
3 34 physician or provide the person making the offer with
3 35 information to send the completed form to the pregnant
3 36 minor's attending physician. The person offering the
3 37 viewing of the video and the decision-making materials
3 38 shall also provide a copy of the completed
3 39 certification form to the pregnant minor."

3 40 #6. By striking page 5, line 14, through page 8,
3 41 line 17.

3 42 #7. Page 10, by inserting after line 21 the
3 43 following:

3 44 "kk. Any statement made by a pregnant minor to an
3 45 officer of the court in connection with the
3 46 proceedings under this section, shall not be used as
3 47 evidence against the pregnant minor or an alleged
3 48 impregnator in any criminal or juvenile proceeding
3 49 brought pursuant to section 709.4, subsection 2,
3 50 paragraph "b"."

4 1 #8. Page 9, line 13, by inserting after the word
4 2 "minor." the following: "The court shall also advise
4 3 the pregnant minor that a court-appointed licensed
4 4 marital and family therapist is available to the
4 5 minor, upon request, at no cost to the minor, to
4 6 assist the pregnant minor in addressing any
4 7 intrafamilial problems which might develop. If a
4 8 licensed marital and family therapist is appointed by
4 9 the court, the licensed marital and family therapist
4 10 shall file a report with the court, following
4 11 provision of services to the pregnant minor, stating
4 12 the procedures undertaken, recommendations made, and
4 13 any other matters as may be required by the court."

4 14 #9. Page 9, line 33, by inserting after the word
4 15 "minor." the following: "The court may consider any
4 16 recommendations of a licensed marital and family
4 17 therapist appointed by the court to provide counseling
4 18 to the pregnant minor, in determining the best
4 19 interest of the pregnant minor."

4 20 #10. Page 10, line 16, by inserting after the word
4 21 "proceedings." the following: "All costs of services
4 22 provided by a court-appointed licensed marital and
4 23 family therapist shall be paid by the court through
4 24 the expenditure of funds appropriated to the judicial
4 25 department."

4 26 #11. Page 11, by striking lines 6 through 8.

4 27 #12. Page 11, line 20, by inserting after the word
4 28 "agency" the following: "other than a child-placing
4 29 agency under the management or control of any division
4 30 of the department of human services or any
4 31 administrator of the department of human services".

4 32 #13. Page 11, by striking lines 22 and 23 and
4 33 inserting the following:

4 34 "(5) A representative of a crisis pregnancy
4 35 center.

4 36 (6) A representative of an abortion provider."

4 37 #14. Page 12, by inserting after line 6 the
4 38 following:

4 39 "(5) A minor who is at least fourteen but less
4 40 than eighteen years of age at the time of the
4 41 appointment, appointed by the governor. "

4 42 #15. Page 12, by striking lines 7 through 11 and
4 43 inserting the following:
4 44 "2. Representative associations of professionals
4 45 and providers who are to be appointed to the advisory
4 46 committee may submit a listing of nominees to the
4 47 governor. The governor may consider the listings in
4 48 appointing members to the advisory committee. The
4 49 governor shall appoint members who represent a variety
4 50 of philosophical views."

5 1 #16. Page 13, line 5, by striking the word
5 2 "document" and inserting the following: "materials".
5 3 #17. Page 13, line 25, by striking the words "or
5 4 emancipated pregnant minor's".
5 5 #18. Page 13, by striking lines 28 through 33 and
5 6 inserting the following: "of an abortion on a
5 7 pregnant minor which results in the inapplicability of
5 8 section".
5 9 #19. Page 14, by striking lines 23 through 25.
5 10 #20. Page 14, line 29, by striking the word and
5 11 figure: "135L.3 or".
5 12 #21. By striking page 14, line 30, through page
5 13 15, line 1.
5 14 #22. Page 15, by striking lines 3 through 21 and
5 15 inserting the following:
5 16 "A person who does any of the following is guilty
5 17 of a fraudulent practice in the fourth degree pursuant
5 18 to section 714.12:
5 19 1. Knowingly tenders a false original or copy of
5 20 the signed and dated certification form to be retained
5 21 by the licensed physician or to be sent to the
5 22 pregnant minor's attending physician pursuant to
5 23 section 135L.2.
5 24 2. Knowingly tenders a false original or copy of
5 25 the notification document mailed to a parent or a
5 26 false original or copy of the order waiving
5 27 notification relative to the performance of an
5 28 abortion on a pregnant minor."
5 29 #23. Page 15, by inserting after line 21 the
5 30 following:
5 31 "Sec. ____ NEW SECTION. 135L.8 IMMUNITIES.
5 32 1. A person is immune from any liability, civil or
5 33 criminal, for any act, omission, or decision made in
5 34 connection with a good faith effort to comply with the
5 35 provisions of this chapter.
5 36 2. This section shall not be construed to limit
5 37 civil or criminal liability of a person for any act,
5 38 omission, or decision made in relation to the
5 39 performance of a medical procedure on a pregnant
5 40 minor.
5 41 3. A court-appointed licensed marital and family
5 42 therapist who provides services to a pregnant minor
5 43 under this chapter and who makes a good faith effort
5 44 to comply with this chapter, is immune from any
5 45 liability, civil or criminal, which might result from
5 46 the provision of services under this chapter."
5 47 #24. Page 15, lines 22 and 23, by striking the
5 48 words "ADOPTION OF CHILD BORN TO A MINOR OR".
5 49 #25. Page 15, by striking lines 27 through 29 and
5 50 inserting the following: "notification requirements
6 1 relating to the performance of an abortion on a minor
6 2 pursuant to section 135L.4."
6 3 #26. By striking page 15, line 30, through page
6 4 16, line 19.
6 5 #27. Page 16, by inserting after line 27 the
6 6 following:
6 7 "Sections 1 and 4 of this Act relating to the
6 8 notification of a parent prior to the performance of

6 9 an abortion on a minor take effect July 1, 1995."
6 10 #28. Title page, line 1, by striking the word
6 11 "process" and inserting the following: "assistance
6 12 program".
6 13 #29. Title page, line 2, by inserting after the
6 14 word "parents" the following: "including notification
6 15 of a parent prior to the performance of an abortion on
6 16 a minor".
6 17 #30. By renumbering as necessary.
6 18 [SF 13H](#)
6 19 pf/pk/25