

House Amendment 8162

Amendment Text

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1 1 Amend [House File 2229](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "Section 1. NEW SECTION. 146A.1 TITLE.
1 5 This chapter shall be known and may be cited as the
1 6 "Woman's Right to Know Act".
1 7 Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.
1 8 As used in this chapter, unless the context
1 9 otherwise requires:
1 10 1. "Abortion" means abortion as defined in section
1 11 146.1.
1 12 2. "Attempt to perform an unlawful abortion" means
1 13 an act, or an omission of an act required by law, that
1 14 constitutes a substantial step in a course of conduct
1 15 intended to culminate in the performance of an
1 16 abortion in violation of this chapter.
1 17 3. "Department" means the Iowa department of
1 18 public health.
1 19 4. "Medical emergency" means any condition which,
1 20 on the basis of a physician's good faith clinical
1 21 judgment, so complicates the medical condition of a
1 22 pregnant woman as to necessitate the immediate
1 23 performance of an abortion to avert the pregnant
1 24 woman's death, or to necessitate the immediate
1 25 performance of an abortion to avert a serious risk of
1 26 substantial and irreversible impairment of a major
1 27 bodily function if the performance of the abortion is
1 28 delayed.
1 29 5. "Physician" means a person licensed to practice
1 30 medicine and surgery pursuant to chapter 148 or
1 31 osteopathic medicine and surgery pursuant to chapter
1 32 150A.
1 33 Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND
1 34 INFORMED CONSENT.
1 35 1. An abortion shall not be performed in this
1 36 state without the voluntary and informed consent of
1 37 the patient upon whom the abortion is to be performed.
1 38 Except in the case of a medical emergency, consent to
1 39 an abortion is voluntary and informed only if the
1 40 requirements of this section are met.
1 41 2. The referring physician, the physician who will
1 42 perform the abortion, or an agent of either physician
1 43 shall provide all of the following information to the
1 44 patient by telephone, by audiotape, or in person, at
1 45 least twenty-four hours before the abortion:
1 46 a. Information that medical assistance benefits
1 47 may be available to the patient for prenatal care,
1 48 childbirth, and neonatal care.
1 49 b. Information that the putative father is liable
1 50 to assist in the support of the child, even if the
2 1 putative father has offered to pay for the abortion.
2 2 c. Information that the patient has the right to
2 3 review the printed materials described in subsection
2 4 3.
2 5 3. After being informed of the patient's right to
2 6 review printed materials pursuant to subsection 2, if
2 7 the patient wishes to review the materials, the

2 8 materials shall be provided to the patient at least
2 9 twenty-four hours before the abortion is performed.
2 10 The physician or the physician's agent shall orally
2 11 inform the patient that the materials have been
2 12 provided by the state and that they describe the
2 13 unborn child and list agencies that offer alternatives
2 14 to abortion. The printed materials shall include all
2 15 of the following:

2 16 a. Geographically indexed materials designed to
2 17 inform the patient of public and private agencies and
2 18 services available to assist a patient through
2 19 pregnancy, at the time of childbirth, and while the
2 20 child is dependent, including adoption agencies. The
2 21 materials shall include a comprehensive list of the
2 22 agencies available, a description of the services
2 23 offered, and a description of the manner, including
2 24 telephone numbers, in which the agencies may be
2 25 contacted. The department may also provide a toll-
2 26 free, twenty-four-hour-a-day telephone number which
2 27 may be called to obtain, orally, a list and
2 28 description of agencies in the locality of the caller
2 29 and of the services offered.

2 30 b. Materials designed to inform the patient of the
2 31 probable anatomical and physiological characteristics
2 32 of the unborn child at two-week gestational increments
2 33 from the time that it is medically possible to make a
2 34 determination of pregnancy to full term. The
2 35 materials shall include any relevant information
2 36 regarding the possibility of the survival of the
2 37 unborn child and pictures or drawings representing the
2 38 development of the unborn child at two-week
2 39 gestational increments, provided that any pictures or
2 40 drawings shall contain the dimensions of the unborn
2 41 child and shall be realistic and appropriate for the
2 42 state of pregnancy depicted. The materials shall be
2 43 objective, nonjudgmental, and designed to convey only
2 44 accurate scientific information about the unborn child
2 45 at various gestational stages. The materials shall
2 46 also contain objective information describing the
2 47 methods of abortion procedures commonly used, the
2 48 medical risks commonly associated with each such
2 49 procedure, the possible detrimental psychological
2 50 effects of abortion, and the medical risks commonly

3 1 associated with carrying an unborn child to term.
3 2 4. The referring physician, the physician who is
3 3 to perform the abortion, or the agent of either
3 4 physician, who provides the information and printed
3 5 materials pursuant to subsections 2 and 3, shall
3 6 obtain written certification from the patient that the
3 7 information required pursuant to subsection 2 was
3 8 provided, and that, if the patient wished to review
3 9 the printed materials described in subsection 3, the
3 10 printed materials were provided. The referring
3 11 physician, the physician who is to perform the
3 12 abortion, or the agent of either physician, who
3 13 obtains the written certification under this
3 14 subsection shall retain a copy of the certification
3 15 and shall provide a copy of the certification to the
3 16 patient. A physician shall not perform an abortion on
3 17 a patient prior to obtaining the completed
3 18 certification form from the patient.

3 19 5. On or before October 1, 2000, the department
3 20 shall cause the information referred to in subsections
3 21 2 and 3 to be published or accessible, as required and
3 22 as applicable, in printed and audiotaped formats. The
3 23 information shall be provided in an easily
3 24 comprehensible manner. The printed information shall

3 25 be published in a typeface large enough to be clearly
3 26 legible. The printed and audiotaped information shall
3 27 be available from the department at no cost, upon
3 28 request, and in an appropriate number, to any person.

3 29 Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF
3 30 MEDICAL EMERGENCY.

3 31 If a medical emergency necessitates the performance
3 32 of an abortion, the physician shall inform the
3 33 patient, prior to the performance of the abortion, if
3 34 possible, of the medical indications supporting the
3 35 physician's judgment that the immediate performance of
3 36 an abortion is necessary to avert the patient's death
3 37 or that a twenty-four-hour delay in the performance of
3 38 an abortion will create serious risk of substantial
3 39 and irreversible impairment of a major bodily
3 40 function.

3 41 Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

3 42 1. A person who knowingly or recklessly performs
3 43 or attempts to perform an abortion in violation of
3 44 this chapter is guilty of a serious misdemeanor.

3 45 2. A penalty shall not be assessed under this
3 46 chapter against the patient upon whom the abortion is
3 47 performed or attempted to be performed. A penalty
3 48 shall not be assessed for failure of a patient to
3 49 comply with the requirement of written certification
3 50 pursuant to section 146A.3, if the department has not
4 1 made the information available at the time the
4 2 physician or the physician's agent is required to
4 3 inform the patient of the patient's right to review
4 4 the information.

4 5 Sec. 6. NEW SECTION. 146A.6 PROTECTION OF
4 6 PRIVACY IN COURT PROCEEDINGS PENALTY.

4 7 1. In every criminal proceeding brought pursuant
4 8 to this chapter, the court proceedings shall be
4 9 conducted in a manner which protects the
4 10 confidentiality of the patient, and all court
4 11 documents pertaining to the proceedings shall remain
4 12 confidential and shall be sealed. The court shall
4 13 direct the exclusion of individuals from courtrooms or
4 14 hearing rooms to the extent necessary to safeguard the
4 15 patient's identity from public disclosure.

4 16 2. This section shall not be construed to conceal
4 17 the identity of witnesses from the defendant.

4 18 3. A person who knowingly violates the
4 19 confidentiality requirements of this section relating
4 20 to court proceedings and documents is guilty of a
4 21 serious misdemeanor."

4 22 #2. Title page, line 2, by striking the words
4 23 "civil remedies and".

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4 27 MERTZ of Kossuth

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4 31 BODDICKER of Cedar

4 32 HF 2229.802 78

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