

H-1498

1 Amend House File 656 as follows:

2 1. Page 1, after line 11 by inserting:

3 <Sec. _____. NEW SECTION. 146A.1 Medical abortions
4 — restrictions — protocol — penalties.

5 1. A person shall not knowingly give, sell,
6 dispense, administer, otherwise provide, or prescribe
7 any medication to another person for the purpose of
8 inducing a medical abortion in the person or enabling
9 the other person to induce a medical abortion in
10 another person, unless the person who gives, sells,
11 dispenses, administers, or otherwise provides or
12 prescribes the medication meets all of the following
13 requirements:

14 a. Is a licensed physician.

15 b. The physician satisfies all the criteria
16 established by federal law that a physician must
17 satisfy in order to provide such medication for
18 inducing medical abortions.

19 c. The physician provides the medication to the
20 other person for the purpose of inducing a medical
21 abortion in accordance with all provisions of federal
22 law that govern the use of such medication for inducing
23 medical abortions.

24 2. A person who gives, sells, dispenses,
25 administers, otherwise provides, or prescribes
26 medication to another person as described in subsection
27 1 shall not be prosecuted based on a violation of the
28 criteria contained in this section unless the person
29 knows that the person is not a licensed physician, that
30 the person did not satisfy all the specified criteria
31 established by federal law, or that the person did not
32 provide the medication in accordance with the specified
33 provisions of federal law, whichever is applicable.

34 3. A physician who provides medication to another
35 for the purpose of inducing a medical abortion as
36 authorized under subsection 1 shall not knowingly
37 fail to comply with the applicable requirements of any
38 federal law that pertain to follow-up examinations or
39 care for persons to whom or for whom such medication
40 is provided for the purpose of inducing a medical
41 abortion.

42 4. a. If a physician provides medication to
43 another person for the purpose of inducing a medical
44 abortion as authorized under subsection 1, and the
45 physician knows that the person who uses the medication
46 for the purpose of inducing a medical abortion
47 experiences during or after the use an incomplete
48 abortion, severe bleeding, or an adverse reaction
49 to the medication, or is hospitalized, receives a
50 transfusion, or experiences any other serious event,

1 the physician shall provide a written report of the
2 incomplete abortion, severe bleeding, adverse reaction,
3 hospitalization, transfusion, or serious event to
4 the department. The department shall compile and
5 retain all reports the department receives under
6 this section. Except as otherwise provided in this
7 section, all reports the department receives under this
8 section are public records. However, the department
9 shall not release to any person the name or any other
10 personal identifying information regarding a person
11 who uses medication for the purpose of inducing a
12 medical abortion and who is the subject of a report the
13 department receives under this section.

14 *b.* A physician who provides medication to another
15 for the purpose of inducing a medical abortion as
16 authorized under subsection 1 shall not knowingly fail
17 to file a report required under paragraph "a".

18 5. A physician shall only diagnose and prescribe a
19 medical abortion in person, and shall not utilize other
20 means, such as an internet web camera, to do so.

21 6. A physician shall not give, sell, dispense,
22 administer, otherwise provide, or prescribe a
23 medication for the purpose of inducing a medical
24 abortion for a minor without first complying with
25 chapter 135L.

26 7. If a physician prescribes medication to induce
27 a medical abortion after the gestational limit of
28 forty-nine days recommended by the United States food
29 and drug administration, the physician shall ensure
30 that the woman has access to emergency care that is
31 available twenty-four hours per day, seven days per
32 week, and shall report any emergency care provided from
33 complications arising from such prescription to the
34 department.

35 8. *a.* A person who violates this section is guilty
36 of a class "D" felony.

37 *b.* If a person who violates this section is
38 professionally licensed in this state, in addition to
39 any other sanction imposed by law for the offense, the
40 person is subject to sanctioning as provided by law by
41 the regulatory or licensing board or agency that has
42 the administrative authority to suspend or revoke the
43 person's professional license.

44 9. As used in this section, unless the context
45 otherwise requires:

46 *a.* "Department" means the department of public
47 health.

48 *b.* "Federal law" means any law, rule, or regulation
49 of the United States or any drug approval letter of the
50 food and drug administration of the United States that

1 governs or regulates the use of mifepristone for the
2 purpose of inducing abortions.
3 *c.* "Medical abortion" means the use of a medication
4 including but not limited to mifepristone or ulipristal
5 acetate to terminate a pregnancy.
6 *d.* "Minor" means a person under eighteen years of
7 age who has not been and is not married.>
8 2. Title page, line 1, after <to> by inserting
9 <abortions including medical abortions and the>
10 3. Title page, line 2, after <minors> by inserting
11 <, and providing penalties>
12 4. By renumbering as necessary.

SHAW of Pocahontas