H-8365

1   Amend the amendment, H-8315, to House File 2473 as
2 follows:
3   1. Page 22, after line 21 by inserting:
4   <DIVISION ___
5   DEFINITION OF PERSON
6   Sec. ___. Section 135.1, unnumbered paragraph 1,
7 Code 2014, is amended to read as follows:
8   For the purposes of chapter 155 and Title IV,
9 subtitle 2, ~~excluding chapter 146,~~ unless otherwise
10 defined:
11   Sec. ___. Section 135.11, subsections 10 and 12,
12 Code 2014, are amended to read as follows:
13   10. Enforce the law relative to ~~chapter 146 and~~
14 "Health-related Professions", Title IV, subtitle 3,
15 excluding chapter 155.
16   12. Establish, publish, and enforce rules
17 not inconsistent with law for the enforcement of
18 the provisions of chapters 125 and 155, and Title
19 IV, subtitle 2, ~~excluding chapter 146~~ and for the
20 enforcement of the various laws, the administration and
21 supervision of which are imposed upon the department.
22   Sec. ___. Section 144.29A, subsections 1 and 2,
23 Code 2014, are amended to read as follows:
24   1. A health care provider who initially identifies
25 and diagnoses a spontaneous termination of pregnancy
26 ~~or who induces a termination of pregnancy~~ shall file
27 with the department a report for each termination
28 within thirty days of the occurrence. The health care
29 provider shall make a good faith effort to obtain all
30 of the following information that is available with
31 respect to each termination:
32   *a.* The confidential health care provider code as
33 assigned by the department.
34   *b.* The report tracking number.
35   *c.* The maternal health services region of the Iowa
36 department of public health, as designated as of July
37 1, 1997, in which the patient resides.
38   *d.* The race of the patient.
39   *e.* The age of the patient.
40   *f.* The marital status of the patient.
41   *g.* The educational level of the patient.
42   *h.* The number of previous pregnancies, live births,
43 and spontaneous ~~or induced~~ terminations of pregnancies.
44   *i.* The month and year in which the termination
45 occurred.
46   *j.* The number of weeks since the patient's last
47 menstrual period and a clinical estimate of gestation.
48   ~~*k.* The method used for an induced termination,~~
49 ~~including whether mifepristone was used.~~
50   2. It is the intent of the general assembly that

1 the information shall be collected, reproduced,
2 released, and disclosed in a manner specified by
3 rule of the department, adopted pursuant to chapter
4 17A, which ensures the anonymity of the patient who
5 experiences a termination of pregnancy, the health
6 care provider who identifies and diagnoses ~~or induces~~
7 a termination of pregnancy, and the hospital, clinic,
8 or other health facility in which a termination of
9 pregnancy is identified and diagnosed ~~or induced~~.
10 The department may share information with federal
11 public health officials for the purposes of securing
12 federal funding or conducting public health research.
13 However, in sharing the information, the department
14 shall not relinquish control of the information, and
15 any agreement entered into by the department with
16 federal public health officials to share information
17 shall prohibit the use, reproduction, release, or
18 disclosure of the information by federal public health
19 officials in a manner which violates this section.
20 The department shall publish, annually, a demographic
21 summary of the information obtained pursuant to
22 this section, except that the department shall not
23 reproduce, release, or disclose any information
24 obtained pursuant to this section which reveals
25 the identity of any patient, health care provider,
26 hospital, clinic, or other health facility, and shall
27 ensure anonymity in the following ways:
28   *a.* The department may use information concerning
29 the report tracking number or concerning the identity
30 of a reporting health care provider, hospital,
31 clinic, or other health facility only for purposes
32 of information collection. The department shall not
33 reproduce, release, or disclose this information for
34 any purpose other than for use in annually publishing
35 the demographic summary under this section.
36   *b.* The department shall enter the information, from
37 any report of termination submitted, within thirty
38 days of receipt of the report, and shall immediately
39 destroy the report following entry of the information.
40 However, entry of the information from a report shall
41 not include any health care provider, hospital, clinic,
42 or other health facility identification information
43 including, but not limited to, the confidential health
44 care provider code, as assigned by the department.
45   *c.* To protect confidentiality, the department
46 shall limit release of information to release in an
47 aggregate form which prevents identification of any
48 individual patient, health care provider, hospital,
49 clinic, or other health facility. For the purposes of
50 this paragraph, *"aggregate form"* means a compilation

1 of the information received by the department on
 2 termination of pregnancies for each information item
 3 listed, with the exceptions of the report tracking
 4 number, the health care provider code, and any set of
 5 information for which the amount is so small that the
 6 confidentiality of any person to whom the information
 7 relates may be compromised. The department shall
 8 establish a methodology to provide a statistically
 9 verifiable basis for any determination of the correct
10 amount at which information may be released so that the
11 confidentiality of any person is not compromised.
12   Sec. ___. Section 144.29A, subsection 8, Code 2014,
13 is amended by striking the subsection.
14   Sec. ___. Section 216.6, subsection 2, paragraph c,
15 Code 2014, is amended by striking the paragraph.
16   Sec. ___. Section 216.13, Code 2014, is amended to
17 read as follows:
18   **216.13 Exceptions for retirement plans, ~~abortion~~**
19 **~~coverage,~~ life, disability, and health benefits.**
20   The provisions of this chapter relating to
21 discrimination because of age do not apply to a
22 retirement plan or benefit system of an employer unless
23 the plan or system is a mere subterfuge adopted for the
24 purpose of evading this chapter.
25   1. However, a retirement plan or benefit system
26 shall not require the involuntary retirement of
27 a person under the age of seventy because of that
28 person's age. This paragraph does not prohibit the
29 following:
30   *a.* The involuntary retirement of a person who has
31 attained the age of sixty-five and has for the two
32 prior years been employed in a bona fide executive
33 or high policymaking position and who is entitled
34 to an immediate, nonforfeitable annual retirement
35 benefit from a pension, profit-sharing, savings, or
36 deferred compensation plan of the employer which equals
37 twenty-seven thousand dollars. This retirement benefit
38 test may be adjusted according to the regulations
39 prescribed by the United States secretary of labor
40 pursuant to Pub. L. No. 95-256, section 3.
41   *b.* The involuntary retirement of a person covered
42 by a collective bargaining agreement which was entered
43 into by a labor organization and was in effect on
44 September 1, 1977. This exemption does not apply after
45 the termination of that agreement or January 1, 1980,
46 whichever first occurs.
47   ~~2. A health insurance program provided by an~~
48 ~~employer may exclude coverage of abortion, except where~~
49 ~~the life of the mother would be endangered if the fetus~~
50 ~~were carried to term or where medical complications~~

1 ~~have arisen from an abortion.~~
2   ~~3.~~ 2. An employee welfare plan may provide life,
3 disability or health insurance benefits which vary by
4 age based on actuarial differences if the employer
5 contributes equally for all the participating employees
6 or may provide for employer contributions differing by
7 age if the benefits for all the participating employees
8 do not vary by age.
9   Sec. ___. Section 602.8102, subsection 31, Code
10 2014, is amended by striking the subsection.
11   Sec. ___. Section 707.1, Code 2014, is amended to
12 read as follows:
13   **707.1 Murder defined.**
14   1. A person who kills another person with malice
15 aforethought either express or implied commits murder.
16   2. *"Person"*, when referring to the victim of a
17 murder, means an individual human being, without regard
18 to age of development, from the moment of conception,
19 when a zygote is formed, until natural death.
20   3. Murder includes killing another person through
21 any means that terminates the life of the other
22 person including but not limited to the use of
23 abortion-inducing drugs. For the purposes of this
24 section, *"abortion-inducing drug"* means a medicine,
25 drug, or any other substance prescribed or dispensed
26 with the intent of terminating the clinically
27 diagnosable pregnancy of a woman, with knowledge that
28 the drug will with reasonable likelihood cause the
29 termination of the pregnancy. *"Abortion-inducing drug"*
30 includes the off-label use of drugs known to have
31 abortion-inducing properties, which are prescribed
32 specifically with the intent of causing an abortion,
33 but does not include drugs that may be known to cause
34 an abortion, but which are prescribed for other medical
35 indications.
36   4. Murder does not include a fetal death as defined
37 in section 144.1 or the spontaneous termination of
38 pregnancy as defined in section 144.29A.
39   Sec. ___. REPEAL. Sections 232.5, 702.20, 707.7,
40 707.8, 707.8A, 707.9, and 707.10, Code 2014, are
41 repealed.
42   Sec. ___. REPEAL. Chapters 135L and 146, Code
43 2014, are repealed.
44   Sec. ___. SEVERABILITY. If any provision of
45 this division of this Act or the application of this
46 division of this Act to any person or circumstances is
47 held invalid, the invalidity shall not affect other
48 provisions or applications of the division which can
49 be given effect without the invalid provisions or
50 application and, to this end, the provisions of this

1 division of this Act are severable.
2   Sec. ___. EFFECTIVE UPON ENACTMENT. This division
3 of this Act, being deemed of immediate importance,
4 takes effect upon enactment.>
5   2. By renumbering as necessary.

_____
SHAW of Pocahontas