

House File 2329

H-8043

1 Amend House File 2329 as follows:

2 1. Page 1, line 4, after <part> by inserting
3 <or fetus for purposes of animal or human research,
4 experimentation, or study, or for transplantation>

5 2. Page 1, after line 6 by inserting:

6 <2. A person shall not experiment upon a fetus
7 intended to be aborted unless the experimentation is
8 therapeutic to the fetus.

9 3. A person shall not aid or abet any prohibited
10 action specified in subsection 1 or 2.>

11 3. Page 1, by striking line 7 and inserting:

12 <4. Subsections 1, 2, and 3 shall not apply to any
13 of the following:>

14 4. Page 1, after line 15 by inserting:

15 <5. In addition to other remedies available,
16 failure to comply with the requirements of this section
17 shall provide a basis for recovery for the pregnant
18 woman, or the parent or guardian of the pregnant woman
19 if the pregnant woman is a minor, for a violation of
20 this section. Such relief may include all of the
21 following:

22 a. Monetary damages for all psychological injuries
23 occasioned by such violation.

24 b. Statutory damages equal to three times the cost
25 of the pregnant woman's delivery or abortion.

26 c. A basis for professional disciplinary action
27 under chapter 148.

28 6. State funding shall not be appropriated to
29 or expended by any state agency, state institution,
30 or program administered by the state including but
31 not limited to the medical assistance program if
32 such entity or program is found in violation of this
33 section.>

34 5. Page 1, line 16, by striking <3.> and inserting
35 <7.>

1 6. Page 1, line 18, by striking <4.> and inserting
2 <8.>

3 7. Page 1, after line 19 by inserting:
4 <___. "*Experiment*" or "*experimentation*" means the
5 use of fetal body parts or a fetus in any trial, test,
6 procedure, or observation carried out with the goal
7 of verifying, refuting, or establishing the validity
8 of a hypothesis, but does not include diagnostic or
9 remedial tests, procedures, or observations which have
10 the purpose of determining the life or health of the
11 fetus, preserving the life or health of the fetus or
12 the pregnant woman, or pathological study.>

13 8. Page 1, after line 24 by inserting:
14 <___. "*Pathological study*" means the examination of
15 body tissue for diagnostic purposes.

16 _____. "*Therapeutic*" means intended to treat or cure
17 a disease or disorder by remedial agents or methods.>

18 9. Page 1, after line 28 by inserting:

19 <Sec. ___. STATUTORY CONSTRUCTION.

20 1. Nothing in this Act shall be construed to affect
21 existing federal or state law regarding abortion.

22 2. Nothing in this Act shall be construed as
23 creating or recognizing a right to abortion.

24 3. Nothing in this Act shall be construed to alter
25 generally accepted medical standards.

26 Sec. ___. SEVERABILITY. If any provision of
27 this Act or the application thereof to any person or
28 circumstances is held invalid, the invalidity shall
29 not affect other provisions or applications of the
30 Act which can be given effect without the invalid
31 provisions or application and, to this end, the
32 provisions of this Act are severable.

33 Sec. ___. RIGHT OF INTERVENTION. The general
34 assembly, by joint resolution, may appoint one or more
35 of its members, who sponsored or cosponsored this

1 Act in the member's official capacity to intervene
2 as a matter of right in any case in which the
3 constitutionality of this Act is challenged.>
4 10. By renumbering as necessary.

SALMON of Black Hawk