

Senate File 359

H-8269

1 Amend Senate File 359, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 FETAL BODY PARTS>

5 2. Page 1, line 1, by striking <146B.1> and inserting
6 <146D.1>

7 3. Page 1, lines 31 and 32, by striking <January 1, 2017>
8 and inserting <July 1, 2018>

9 4. Page 2, after line 4 by inserting:

10 <DIVISION ____
11 ABORTION PROHIBITIONS — FETAL HEARTBEAT

12 Sec. ____ . Section 146A.1, subsections 2 and 6, Code 2018,
13 are amended to read as follows:

14 2. Compliance with the prerequisites of [this section](#) shall
15 not apply to ~~any of the following:~~

16 ~~a. An abortion performed to save the life of a pregnant
17 woman.~~

18 ~~b. An an abortion performed in a medical emergency.~~

19 ~~c. The performance of a medical procedure by a physician
20 that in the physician's reasonable medical judgment is designed
21 to or intended to prevent the death or to preserve the life of
22 the pregnant woman.~~

23 6. As used in [this section](#), ~~"unborn child":~~

24 a. "Medical emergency" means a situation in which an
25 abortion is performed to preserve the life of the pregnant
26 woman whose life is endangered by a physical disorder, physical
27 illness, or physical injury, including a life-endangering
28 physical condition caused by or arising from the pregnancy, but
29 not including psychological conditions, emotional conditions,
30 familial conditions, or the woman's age.

31 b. "Unborn child" means an individual organism of the
32 species homo sapiens from fertilization to live birth.

33 Sec. ____ . NEW SECTION. 146C.1 Definitions.

34 As used in this chapter, unless the context otherwise
35 requires:

1 1. "*Abortion*" means the termination of a human pregnancy
2 with the intent other than to produce a live birth or to remove
3 a dead fetus.

4 2. "*Fetal heartbeat*" means cardiac activity, the steady and
5 repetitive rhythmic contraction of the fetal heart within the
6 gestational sac.

7 3. "*Medical emergency*" means the same as defined in section
8 146A.1.

9 4. "*Physician*" means a person licensed under chapter 148.

10 5. "*Reasonable medical judgment*" means a medical judgment
11 made by a reasonably prudent physician who is knowledgeable
12 about the case and the treatment possibilities with respect to
13 the medical conditions involved.

14 6. "*Unborn child*" means the same as defined in section
15 146A.1.

16 Sec. _____. NEW SECTION. **146C.2 Abortion prohibited —**
17 **detectable fetal heartbeat.**

18 1. Except in the case of a medical emergency, a physician
19 shall not perform an abortion unless the physician has first
20 complied with the prerequisites of chapter 146A and has
21 tested the pregnant woman as specified in this subsection, to
22 determine if a fetal heartbeat is detectable.

23 a. In testing for a detectable fetal heartbeat, the
24 physician shall perform an abdominal ultrasound, necessary to
25 detect a fetal heartbeat according to standard medical practice
26 and including the use of medical devices, as determined by
27 standard medical practice and specified by rule of the board
28 of medicine.

29 b. Following the testing of the pregnant woman for a
30 detectable fetal heartbeat, the physician shall inform the
31 pregnant woman, in writing, of all of the following:

32 (1) Whether a fetal heartbeat was detected.

33 (2) That if a fetal heartbeat was detected, an abortion is
34 prohibited.

35 c. Upon receipt of the written information, the pregnant

1 woman shall sign a form acknowledging that the pregnant woman
2 has received the information as required under this subsection.

3 2. A physician shall not perform an abortion upon a pregnant
4 woman when it has been determined that the unborn child has
5 a detectable fetal heartbeat, unless, in the physician's
6 reasonable medical judgment, a medical emergency exists.

7 3. A physician shall retain in the woman's medical record
8 all of the following:

9 a. Documentation of the testing for a fetal heartbeat
10 as specified in subsection 1 and the results of the fetal
11 heartbeat test.

12 b. The pregnant woman's signed form acknowledging that
13 the pregnant woman received the information as required under
14 subsection 1.

15 4. This section shall not be construed to impose civil
16 or criminal liability on a woman upon whom an abortion is
17 performed in violation of this section.

18 5. The board of medicine shall adopt rules pursuant to
19 chapter 17A to administer this section.>

20 5. Title page, line 1, by striking <certain actions
21 regarding fetal body parts> and inserting <and requiring
22 certain actions relating to a fetus>

23 6. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES

FRY of Clarke, Chairperson