

Senate File 359

H-8436

1 Amend the amendment, H-8269, to Senate File 359, as passed by  
2 the Senate, as follows:

3 1. By striking page 1, line 3, through page 3, line 23, and  
4 inserting:

5 <DIVISION I

6 FETAL BODY PARTS

7 Section 1. NEW SECTION. 146D.1 **Fetal body parts — actions**  
8 **prohibited — penalties.**

9 1. A person shall not knowingly acquire, provide, receive,  
10 otherwise transfer, or use a fetal body part in this state,  
11 regardless of whether the acquisition, provision, receipt,  
12 transfer, or use is for valuable consideration.

13 2. Subsection 1 shall not apply to any of the following:

14 a. Diagnostic or remedial tests, procedures, or observations  
15 which have the sole purpose of determining the life or health  
16 of the fetus in order to provide that information to the  
17 pregnant woman or to preserve the life or health of the fetus  
18 or pregnant woman.

19 b. The actions of a person taken in furtherance of the final  
20 disposition of a fetal body part.

21 c. The pathological study of body tissue, including genetic  
22 testing, for diagnostic or forensic purposes.

23 d. A fetal body part if the fetal body part results from  
24 a spontaneous termination of pregnancy or stillbirth and is  
25 willingly donated for the purpose of medical research.

26 3. A person who violates this section is guilty of a class  
27 "C" felony.

28 4. For the purposes of this section:

29 a. "Abortion" means as defined in section 146.1.

30 b. "Fetal body part" means a cell, tissue, organ, or other  
31 part of a fetus that is terminated by an abortion. "Fetal body  
32 part" does not include any of the following:

33 (1) Cultured cells or cell lines derived from a spontaneous  
34 termination of pregnancy or stillbirth and willingly donated  
35 for the purposes of medical research.

1 (2) A cell, tissue, organ, or other part of a fetus that is  
2 terminated by an abortion that occurred prior to July 1, 2018.

3 (3) All cells and tissues external to the fetal body proper.

4 *c. "Final disposition"* means the disposition of fetal  
5 body parts by burial, interment, entombment, cremation, or  
6 incineration.

7 *d. "Valuable consideration"* means any payment including but  
8 not limited to payment associated with the transportation,  
9 processing, preservation, quality control, or storage of fetal  
10 body parts.

11 DIVISION \_\_\_\_

12 ABORTION PREREQUISITES AND PROHIBITIONS — FETAL HEARTBEAT

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

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

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

19 ~~*b.* An an abortion performed in a medical emergency.~~

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

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

25 *a.* "Medical emergency" means a situation in which an  
26 abortion is performed to preserve the life of the pregnant  
27 woman whose life is endangered by a physical disorder, physical  
28 illness, or physical injury, including a life-endangering  
29 physical condition caused by or arising from the pregnancy, but  
30 not including psychological conditions, emotional conditions,  
31 familial conditions, or the woman's age; or when continuation  
32 of the pregnancy will create a serious risk of substantial  
33 and irreversible impairment of a major bodily function of the  
34 pregnant woman.

35 *b.* "Unborn child" means an individual organism of the

1 species homo sapiens from fertilization to live birth.

2 Sec. \_\_\_\_ . NEW SECTION. 146C.1 Definitions.

3 As used in this chapter, unless the context otherwise  
4 requires:

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

8 2. "*Fetal heartbeat*" means cardiac activity, the steady and  
9 repetitive rhythmic contraction of the fetal heart within the  
10 gestational sac.

11 3. "*Medical emergency*" means the same as defined in section  
12 146A.1.

13 4. "*Medically necessary*" means any of the following:

14 a. The pregnancy is the result of a rape which is reported  
15 within forty-five days of the incident to a law enforcement  
16 agency or to a public or private health agency which may  
17 include a family physician.

18 b. The pregnancy is the result of incest which is reported  
19 within one hundred forty days of the incident to a law  
20 enforcement agency or to a public or private health agency  
21 which may include a family physician.

22 c. Any spontaneous abortion, commonly known as a  
23 miscarriage, if not all of the products of conception are  
24 expelled.

25 d. The attending physician certifies that the fetus has a  
26 fetal abnormality that in the physician's reasonable medical  
27 judgment is incompatible with life.

28 5. "*Physician*" means a person licensed under chapter 148.

29 6. "*Reasonable medical judgment*" means a medical judgment  
30 made by a reasonably prudent physician who is knowledgeable  
31 about the case and the treatment possibilities with respect to  
32 the medical conditions involved.

33 7. "*Unborn child*" means the same as defined in section  
34 146A.1.

35 Sec. \_\_\_\_ . NEW SECTION. 146C.2 Abortion prohibited —

1 **detectable fetal heartbeat.**

2 1. Except in the case of a medical emergency or when the  
3 abortion is medically necessary, a physician shall not perform  
4 an abortion unless the physician has first complied with the  
5 prerequisites of chapter 146A and has tested the pregnant  
6 woman as specified in this subsection, to determine if a fetal  
7 heartbeat is detectable.

8 a. In testing for a detectable fetal heartbeat, the  
9 physician shall perform an abdominal ultrasound, necessary to  
10 detect a fetal heartbeat according to standard medical practice  
11 and including the use of medical devices, as determined by  
12 standard medical practice and specified by rule of the board  
13 of medicine.

14 b. Following the testing of the pregnant woman for a  
15 detectable fetal heartbeat, the physician shall inform the  
16 pregnant woman, in writing, of all of the following:

17 (1) Whether a fetal heartbeat was detected.

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

20 c. Upon receipt of the written information, the pregnant  
21 woman shall sign a form acknowledging that the pregnant woman  
22 has received the information as required under this subsection.

23 2. a. A physician shall not perform an abortion upon a  
24 pregnant woman when it has been determined that the unborn  
25 child has a detectable fetal heartbeat, unless, in the  
26 physician's reasonable medical judgment, a medical emergency  
27 exists, or when the abortion is medically necessary.

28 b. Notwithstanding paragraph "a", if a physician determines  
29 that the probable postfertilization age, as defined in  
30 section 146B.1, of the unborn child is twenty or more weeks,  
31 the physician shall not perform an abortion upon a pregnant  
32 woman when it has been determined that the unborn child  
33 has a detectable fetal heartbeat, unless in the physician's  
34 reasonable medical judgment the pregnant woman has a condition  
35 which the physician deems a medical emergency, as defined in

1 section 146B.1, or the abortion is necessary to preserve the  
2 life of an unborn child.

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

5 a. Documentation of the testing for a fetal heartbeat  
6 as specified in subsection 1 and the results of the fetal  
7 heartbeat test.

8 b. The pregnant woman's signed form acknowledging that  
9 the pregnant woman received the information as required under  
10 subsection 1.

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

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

16 2. Title page, line 1, by striking <certain actions  
17 regarding fetal body parts> and inserting <and requiring  
18 certain actions relating to a fetus>

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LUNDGREN of Dubuque