

House Amendment to
Senate File 359

S-5288

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

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 FETAL BODY PARTS

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

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

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

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

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

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

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

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

27 4. For the purposes of this section:

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

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

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

35 (2) A cell, tissue, organ, or other part of a fetus that is

1 terminated by an abortion that occurred prior to July 1, 2018.

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

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

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

10

DIVISION II

11 ABORTION PREREQUISITES AND PROHIBITIONS — FETAL HEARTBEAT

12 Sec. 2. Section 146A.1, subsections 2 and 6, Code 2018, are
13 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; or when continuation
31 of the pregnancy will create a serious risk of substantial
32 and irreversible impairment of a major bodily function of the
33 pregnant woman.

34 *b. "Unborn child"* means an individual organism of the
35 species homo sapiens from fertilization to live birth.

1 Sec. 3. NEW SECTION. **146C.1 Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

34 Sec. 4. NEW SECTION. **146C.2 Abortion prohibited —**
35 **detectable fetal heartbeat.**

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

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

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

16 (1) Whether a fetal heartbeat was detected.

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

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

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

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

1 life of an unborn child.

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

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

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

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

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

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