

House File 2788

H-8432

1 Amend House File 2788 as follows:

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

4 <DIVISION I

5 ABORTION — DEFINED

6 Section 1. Section 146B.1, subsection 1, Code 2026, is
7 amended to read as follows:

8 1. "Abortion" means the termination of a human pregnancy
9 with the intent other than to produce a live birth or to remove
10 a dead fetus. "Abortion" does not include any of the following:

11 a. Treatment of a spontaneous termination of pregnancy,
12 commonly known as a miscarriage.

13 b. Removal of the products of conception after an incomplete
14 or inevitable loss of a pregnancy.

15 c. Treatment of an ectopic pregnancy.

16 Sec. 2. Section 146E.1, subsection 1, Code 2026, is amended
17 to read as follows:

18 1. "Abortion" means the ~~termination of a human pregnancy~~
19 ~~with the intent other than to produce a live birth or to remove~~
20 ~~a dead fetus~~ same as defined in section 146B.1.

21 DIVISION II

22 INFORMED CONSENT

23 Sec. 3. Section 146A.1, Code 2026, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 1A. Prior to performing an abortion,
26 a physician shall perform an in-person examination of the
27 pregnant woman including screening for indicia of coercion or
28 abuse. A physician shall, if necessary, refer the woman to an
29 appropriate health care provider for treatment consistent with
30 the examination results.

31 Sec. 4. Section 146A.1, subsection 6, Code 2026, is amended
32 by adding the following new paragraphs:

33 NEW PARAGRAPH. 0a. "Abortion" means the same as defined in
34 section 146B.1.

35 NEW PARAGRAPH. 00a. "Health care provider" means a

1 person who is licensed, certified, or otherwise authorized or
2 permitted by the laws of this state to administer health care
3 in the ordinary course of business or in the practice of a
4 profession.

5 NEW PARAGRAPH. *Ob.* "Physician" means the same as defined
6 in section 146B.1.

7 Sec. 5. NEW SECTION. 146A.2 Prerequisites for dispensing
8 abortion-inducing drugs — licensee discipline.

9 1. As used in this section, unless the context otherwise
10 requires:

11 *a.* "Abortion-inducing drug" means the same as defined in
12 section 146F.1.

13 *b.* "Chemical abortion" means the same as defined in section
14 146F.1.

15 *c.* "Dispense" means the same as defined in section 146F.1.

16 *d.* "Medical emergency" means the same as defined in section
17 146A.1.

18 *e.* "Pregnant" or "pregnancy" means the human female
19 reproductive condition of having a living unborn child within
20 the pregnant woman's body throughout every stage of the unborn
21 child's life and development, from fertilization to full
22 gestation and childbirth.

23 2. A physician who is performing or attempting to perform
24 a chemical abortion shall do all of the following prior to
25 prescribing or dispensing an abortion-inducing drug to a
26 pregnant woman:

27 *a.* Obtain the signature of the woman on the United States
28 food and drug administration patient agreement form required
29 for each abortion-inducing drug authorized to be manufactured
30 or sold in the United States.

31 *b.* Obtain written confirmation from the woman that the woman
32 has been informed of all of the following information:

33 (1) The gestational age-specific risks of abortion-inducing
34 drugs.

35 (2) The risks related to the specific abortion-inducing

1 drug or drugs to be used, including hemorrhage, failure to
2 remove all tissue of the unborn child, sepsis, sterility, and
3 possible continuation of the pregnancy.

4 (3) That the United States federal food and drug
5 administration recommends that the pregnant woman follow up
6 with the woman's health care provider approximately seven
7 to fourteen calendar days after the administration of an
8 abortion-inducing drug to confirm complete termination of
9 pregnancy has occurred and to evaluate the degree of bleeding.

10 (4) That women using abortion-inducing drugs have suffered
11 trauma from seeing the remains of the unborn child in the
12 process of a chemical abortion.

13 c. Advise the pregnant woman how to access emergency
14 surgical intervention in case of an incomplete abortion, severe
15 bleeding, or other medical complications.

16 3. Subsection 2 shall not apply to a chemical abortion
17 performed in response to a medical emergency.

18 4. This section shall not be construed to impose civil or
19 criminal liability on a woman upon whom a chemical abortion has
20 been performed.

21 5. A physician who fails to comply with this section is
22 subject to licensee discipline under chapter 148.

23 6. The board of medicine shall adopt rules pursuant to
24 chapter 17A to administer this section.

25 DIVISION III

26 DISPENSING ABORTION-INDUCING DRUGS

27 Sec. 6. NEW SECTION. 146F.1 Definitions.

28 As used in this chapter, unless the context otherwise
29 requires:

30 1. "Abortion-inducing drug" means any drug, chemical,
31 or other substance that is prescribed or administered with
32 the intent of performing an abortion. "Abortion-inducing
33 drug" includes the off-label use of drugs that are prescribed
34 or administered with the intent of performing an abortion.
35 "Abortion-inducing drug" does not include a drug, chemical,

1 or other substance that is prescribed or administered for a
2 purpose other than to perform an abortion, even if the drug may
3 be known to cause an abortion.

4 2. "*Chemical abortion*" means an abortion performed by the
5 administration or use of an abortion-inducing drug.

6 3. "*Dispense*" means to distribute, administer, or send an
7 abortion-inducing drug to the ultimate user.

8 4. "*Health care setting*" means a pharmacy, clinic, medical
9 office, or hospital.

10 5. "*Hospital*" means the same as defined in section 135B.1.

11 6. "*Interested party*" means any of the following persons:

12 a. A woman upon whom a chemical abortion was performed or
13 attempted.

14 b. The personal representative of a woman upon whom a
15 chemical abortion was performed or attempted.

16 7. "*Medical emergency*" means the same as defined in section
17 146A.1.

18 8. "*Personal representative*" means an administrator or
19 an executor, or if there is no such personal representative
20 appointed, then a person legally authorized to perform
21 substantially the same functions.

22 Sec. 7. NEW SECTION. 146F.2 **Dispensing of abortion-inducing**
23 **drugs — restrictions.**

24 1. A person shall not dispense an abortion-inducing drug in
25 this state unless all of the following criteria are met:

26 a. The drug is dispensed in a health care setting directly
27 to the woman prescribed the drug.

28 b. The person dispensing the drug is authorized to do so
29 pursuant to section 147.107.

30 2. Subsection 1 does not apply to the dispensing of an
31 abortion-inducing drug in response to a medical emergency.

32 Sec. 8. NEW SECTION. 146F.4 **Private cause of action —**
33 **civil liability.**

34 1. A person who dispenses an abortion-inducing drug
35 in violation of section 146F.2 shall be civilly liable

1 to any interested party for all damages caused by the
2 abortion-inducing drug. A person who is subject to licensee
3 discipline under chapter 148 or 155A shall be immune from civil
4 liability under this section.

5 2. In addition to compensatory or punitive damages, a
6 prevailing plaintiff who brings an action under this section is
7 entitled to court costs and reasonable attorney fees.

8 3. In an action brought under this section, the name and
9 other identifying characteristics of a woman who sought or
10 obtained an abortion-inducing drug shall be redacted without
11 a court order from all pleadings and documents filed in the
12 action. The court may make further orders as necessary to
13 protect the identity and privacy of the woman who sought or
14 obtained an abortion-inducing drug.

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

18 Sec. 9. NEW SECTION. **146F.5 Licensee discipline.**

19 A licensee who fails to comply with this chapter is subject
20 to licensee discipline under chapter 148 or 155A.

21 DIVISION IV

22 ABORTION-RELATED PROVISIONS

23 Sec. 10. Section 144.29A, subsection 1, paragraph k, Code
24 2026, is amended to read as follows:

25 *k.* The method used for an induced termination, including
26 whether mifepristone or misoprostol was used.

27 Sec. 11. Section 144.29A, subsection 1, Code 2026, is
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. *1.* If a spontaneous termination of
30 pregnancy, whether the patient ingested mifepristone or
31 misoprostol within fourteen calendar days prior to the date of
32 the spontaneous termination of pregnancy.

33 Sec. 12. Section 144.29A, subsection 7, paragraph c, Code
34 2026, is amended to read as follows:

35 *c.* "Spontaneous termination of pregnancy", commonly known

1 as a miscarriage, means the occurrence of an unintended
2 termination of pregnancy at any time during the period from
3 conception to twenty weeks gestation and which is not a
4 spontaneous termination of pregnancy at any time during the
5 period from twenty weeks or greater which is reported to the
6 department as a fetal death under [this chapter](#).>
7 2. Title page, by striking lines 1 through 3 and inserting
8 <An Act relating to abortions including definitions, informed
9 consent, dispensing of abortion-inducing drugs, and other
10 abortion-related provisions.>

WOOD of Taylor