

House File 2788

H-8433

1 Amend the amendment, H-8432, to House File 2788, as follows:

2 1. By striking page 1, line 1, through page 6, line 10, and
3 inserting:

4 <Amend House File 2788 as follows:

5 1. By striking everything after the enacting clause and
6 inserting:

7 <DIVISION I

8 ABORTION — DEFINED

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

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

14 a. Treatment of a spontaneous termination of pregnancy,
15 commonly known as a miscarriage.

16 b. Removal of the products of conception after an incomplete
17 or inevitable loss of a pregnancy.

18 c. Treatment of an ectopic pregnancy.

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

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

24 DIVISION II

25 INFORMED CONSENT

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

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

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

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

3 NEW PARAGRAPH. *00a.* "Health care provider" means a
4 person who is licensed, certified, or otherwise authorized or
5 permitted by the laws of this state to administer health care
6 in the ordinary course of business or in the practice of a
7 profession.

8 NEW PARAGRAPH. *0b.* "Physician" means the same as defined
9 in section 146B.1.

10 Sec. 5. NEW SECTION. **146A.2 Prerequisites for dispensing**
11 **abortion-inducing drugs — licensee discipline.**

12 1. As used in this section, unless the context otherwise
13 requires:

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

16 *b.* "Chemical abortion" means the same as defined in section
17 146F.1.

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

19 *d.* "Medical emergency" means the same as defined in section
20 146A.1.

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

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

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

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

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

3 (2) The risks related to the specific abortion-inducing
4 drug or drugs to be used, including hemorrhage, failure to
5 remove all tissue of the unborn child, sepsis, sterility, and
6 possible continuation of the pregnancy.

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

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

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

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

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

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

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

28 DIVISION III

29 DISPENSING ABORTION-INDUCING DRUGS

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

31 As used in this chapter, unless the context otherwise
32 requires:

33 1. "Abortion-inducing drug" means any drug, chemical, or
34 other substance that is prescribed or administered with the
35 intent of performing an abortion. "Abortion-inducing drug"

1 does not include a drug, chemical, or other substance that
2 is prescribed or administered for a purpose other than to
3 perform an abortion, even if the drug may be known to cause an
4 abortion.

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

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

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

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

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

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

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

17 7. "*Medical emergency*" means the same as defined in section
18 146A.1.

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

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

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

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

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

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

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

35 1. A person who dispenses an abortion-inducing drug

1 in violation of section 146F.2 shall be civilly liable
2 to any interested party for all damages caused by the
3 abortion-inducing drug. A person who is subject to licensee
4 discipline under chapter 148 or 155A shall be immune from civil
5 liability under this section.

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

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

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

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

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

22 DIVISION IV

23 ABORTION-RELATED PROVISIONS

24 Sec. 10. Section 144.29A, subsection 1, paragraph k, Code
25 2026, is amended to read as follows:

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

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

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

34 Sec. 12. Section 144.29A, subsection 7, paragraph c, Code
35 2026, is amended to read as follows:

1 *c. "Spontaneous termination of pregnancy", commonly known*
2 as a miscarriage, means the occurrence of an unintended
3 termination of pregnancy at any time during the period from
4 conception to twenty weeks gestation and which is not a
5 spontaneous termination of pregnancy at any time during the
6 period from twenty weeks or greater which is reported to the
7 department as a fetal death under [this chapter](#).

8 Sec. 13. REPEAL. Chapter 146C, Code 2026, is repealed.>

9 2. Title page, by striking lines 1 through 3 and inserting
10 <An Act relating to abortions including definitions, informed
11 consent, dispensing of abortion-inducing drugs, and other
12 abortion-related provisions.>>

WOOD of Taylor