

FILED APR 1 1975

SENATE FILE 387

By COMMITTEE ON HUMAN RESOURCES

Passed Senate, Date 4-29-75 (p. 1142) Passed House, Date 2-5-76 (p. 278)

Vote: Ayes 42 Nays 5 Vote: Ayes 93 Nays 3

Approved 3-19-76

*Re-passed Senate as amended by House Motion to reconsider tabled 2/5  
3-5-76 (p. 755)  
46-5*

# A BILL FOR

1 An Act relating to liability for the performance of or  
2 refusal to perform abortions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Section 1. NEW SECTION. LIABILITY OF PERSONS RELATING  
2 TO PERFORMANCE OF ABORTIONS. An individual who may lawfully  
3 perform, assist, or participate in medical procedures which  
4 will result in an abortion shall not be required against that  
5 individual's religious beliefs or moral convictions to perform,  
6 assist, or participate in such procedures. A person shall  
7 not discriminate against any individual in any way, including  
8 but not limited to employment, promotion, advancement,  
9 transfer, licensing, education, training or the granting of  
10 hospital privileges or staff appointments, because of the  
11 individual's participation in or refusal to participate in  
12 recommending, performing or assisting in an abortion procedure.  
13 For the purposes of this Act, "abortion" means the termination  
14 of a human pregnancy with the intent other than to produce  
15 a live birth or to remove a dead fetus.

16 Sec. 2. NEW SECTION. LIABILITY OF HOSPITALS REFUSING  
17 TO PERFORM ABORTIONS. A hospital, which is not controlled,  
18 maintained and supported by a public authority, shall not  
19 be required to permit the performance of an abortion. The  
20 refusal to permit such procedures shall not be grounds for  
21 civil liability to any person nor a basis for any disciplinary  
22 or other recriminatory action against the hospital.

23 EXPLANATION

24 This bill provides that a person cannot be required to  
25 participate in medical procedures which will result in an  
26 abortion if the participation is against his religious beliefs  
27 or moral convictions. It prohibits discrimination in  
28 employment or hospital staff privileges because of an  
29 individual's refusal to participate in or participation in  
30 an abortion. The bill also allows hospitals to prohibit the  
31 performance of abortions in its facilities, except for public  
32 hospitals.

33  
34  
35

H-5118

1 Amend amendment H-3977 to Senate File 387, as  
 2 amended and passed by the Senate by striking all of  
 3 lines 5 through 33 and inserting in lieu thereof the  
 4 following:

5 Section 1. NEW SECTION. LIABILITY OF PERSONS  
 6 REFUSING TO PERFORM ABORTIONS. An individual who may  
 7 lawfully perform, assist, or participate in medical  
 8 procedures which will result in an abortion shall not  
 9 be required against his religious beliefs or moral  
 10 convictions to perform, assist, or participate in a  
 11 direct manner in such procedures except in an emer-  
 12 gency when medically necessary to save the life of the  
 13 mother. A person shall not discriminate against another  
 14 individual in any way, including but not limited to  
 15 employment, promotion, advancement, transfer, licens-  
 16 ing, education, training, or granting of hospital  
 17 privileges or staff appointments, because of the ind-  
 18 ividual's participation or refusal to participate in  
 19 the recommendation, performance, or assistance in the  
 20 performance of medical procedures which will result  
 21 in an abortion, except in an emergency when medically  
 22 necessary to save the life of the mother. For the  
 23 purposes of this Act, "abortion" means the termination  
 24 of human pregnancy with an intention other than to  
 25 produce a live birth or to remove a dead fetus.

26 Sec. 2 NEW SECTION. LIABILITY OF HOSPITALS  
 27 REFUSING TO PERFORM ABORTIONS. A hospital shall not  
 28 be required to permit the performance of an abortion,  
 29 except in an emergency when medically necessary to  
 30 save the life of the mother. The refusal to permit  
 31 such procedures shall not be grounds for civil lia-  
 32 bility to any person nor a basis for any disciplinary  
 33 or other recriminatory action against the hospital.  
 34 The provisions of this section shall not apply to any  
 35 hospital which is supported, maintained, and controlled  
 36 by public authority.

37 Sec. 3 NEW SECTION. INQUIRY CONCERNING PART-  
 38 ICIPATION IN ABORTIONS. Nothing in this Act shall  
 39 prohibit any hospital which permits the performance of  
 40 abortions from inquiring whether an employee, pro-  
 41 spective employee, person with staff privileges,  
 42 or prospective person with staff privileges would advance  
 43 a religious belief or moral conviction for refusal  
 44 to participate in an abortion or has participated  
 45 in the past in medical procedures which have resulted  
 46 in abortions before such a person is hired for service  
 47 ~~IN AN~~ assigned to that part of a hospital where abortion  
 48 patients are cared for or abortion procedures are  
 49 conducted.

A

*Lost*  
 2/5/76  
 45-52

B

*Withdrawn*  
 2/5/76

-5118 FILED  
 FEBRUARY 3, 1976

BY SCHROEDER of Pottawattamie

H-5131

1 Amend Senate File 387 as amended and passed by  
2 the Senate as follows:  
3 1. Page 1, by adding after line 22 the  
4 following new section:  
5 "Sec. 3. NEW SECTION. INQUIRY CONCERNING  
6 PARTICIPATION IN ABORTIONS. Nothing in this Act  
7 shall prohibit any hospital which permits the  
8 performance of abortions from inquiring whether  
9 an employee, prospective employee, person with  
10 staff privileges, or prospective person with staff  
11 privileges would advance a religious belief or moral  
12 conviction for refusal to participate in an abortion  
13 or has participated in the past in medical procedures  
14 which have resulted in abortions before such a person  
15 is hired for service in or assigned to that part of a  
16 hospital where abortion patients are cared for or  
17 abortion procedures are conducted."

H-5131 FILED - *Withdrawn* BY OAKLEY of Clinton  
FEBRUARY 4, 1976 *2/5*

H-5128

1 Amend Senate File 387, as passed by the  
2 Senate, as follows:  
3 1. Page 1, by striking lines 15B through  
4 15D and inserting in lieu thereof the following:  
5 "the treatment of serious physical condition  
6 requiring emergency medical treatment necessary  
7 to save the life of a mother."

H-5128 FILED - *Adopted* BY ANDERSON of Jasper  
FEBRUARY 4, 1976 *or amended*  
*by 5141 2/5 53-42*

H-5137

1 Amend Senate File 387 as follows:  
2 1. Page 1, by striking lines 16 through 22.

H-5137 FILED, LOST (8-83) BY BINA of Scott  
FEBRUARY 5, 1976 BRANDT of Black Hawk  
HARGRAVE of Johnson

H-5141

1 Amend amendment H-5128 to Senate File 387, as  
2 passed by the Senate, as follows:  
3 1. Page 1, line 5 by inserting after the word  
4 "of" the word "a".

H-5141 FILED, ADOPTED BY ANDERSON of Jasper  
BY UNANIMOUS CONSENT  
FEBRUARY 5, 1976

H-4153

1 Amend amendment H-3977 to Senate File 387, as  
 2 amended and passed by the Senate by striking all of  
 3 lines 3 through 33 and inserting in lieu thereof the  
 4 following:

5 Section 1. NEW SECTION. LIABILITY OF PERSONS  
 6 REFUSING TO PERFORM ABORTIONS. An individual who may  
 7 lawfully perform, assist, or participate in medical  
 8 procedures which will result in an abortion shall not  
 9 be required against his religious beliefs or moral  
 10 convictions to perform, assist, or participate in a  
 11 direct manner in such procedures except in an emer-  
 12 gency when medically necessary to save the life of the  
 13 mother. A person shall not discriminate against another  
 14 individual in any way, including but not limited to  
 15 employment, promotion, advancement, transfer, licens-  
 16 ing, education, training, or granting of hospital  
 17 privileges or staff appointments, because of the ind-  
 18 ividual's participation or refusal to participate in  
 19 the recommendation, performance, or assistance in the  
 20 performance of medical procedures which will result  
 21 in an abortion, except in an emergency when medically  
 22 necessary to save the life of the mother. For the  
 23 purposes of this Act, "abortion" means the termination  
 24 of human pregnancy with an intention other than to  
 25 produce a live birth or to remove a dead fetus.

26 Sec. 2 NEW SECTION. LIABILITY OF HOSPITALS  
 27 REFUSING TO PERFORM ABORTIONS. A hospital shall not  
 28 be required to permit the performance of an abortion,  
 29 except in an emergency when medically necessary to  
 30 save the life of the mother. The refusal to permit  
 31 such procedures shall not be grounds for civil lia-  
 32 bility to any person nor a basis for any disciplinary  
 33 or other recriminatory action against the hospital.  
 34 The provisions of this section shall not apply to any  
 35 hospital which is supported, maintained, and controlled  
 36 by public authority.

37 Sec. 3 NEW SECTION. INQUIRY CONCERNING PART-  
 38 ICIPATION IN ABORTIONS. Nothing in this Act shall  
 39 prohibit any hospital which permits the performance of  
 40 abortions from inquiring whether an employee, pro-  
 41 spective employee, person with staff privileges,  
 42 or prospective person with staff privileges would advance  
 43 a religious belief or moral conviction for refusal  
 44 to participate in an abortion or has participated  
 45 in the past in medical procedures which have resulted  
 46 in abortions before such a person is hired for service  
 47 in or assigned to that part of a hospital where abortion  
 48 patients are cared for or abortion procedures are  
 49 conducted.

H-4153 FILED - *Withdrawn 2/5*  
 JUNE 10, 1975

BY SCHROEDER of Pottawattamie

H-5071

1 Amend Senate File 387 as passed by the Senate  
2 as follows:

3 1. Page 1, line 6, by inserting after the  
4 word "procedures" the words ", except in an  
5 emergency when medically necessary to save the  
6 life of the mother".

7 2. Page 1, by striking everything after the  
8 period in line 15, and all of lines 15A, 15B,  
9 15C and 15D.

10 3. Page 1, line 19, by inserting after the  
11 word "abortion" the words ", except in an  
12 emergency when medically necessary to save the  
13 life of the mother".

14 4. Page 1, line 22 by inserting after the  
15 word "hospital" the following: ", except if the  
16 mother dies as a result of the refusal to  
17 provide medical care".

A-  
Lost  
48-48  
2/5

B  
Withdrawn 2/5

H-5071 FILED BY GENTLEMAN of Polk  
JANUARY 29, 1976

H-5142

1 Amend Senate File 387 as amended and passed by  
2 the Senate as follows:

3 1. Page 1, by striking lines 13 through 15 and  
4 inserting in lieu thereof:

5 "For purposes of this Act the term "abortion" means  
6 a medical procedure which has as its sole and primary  
7 purpose the termination of a human pregnancy, but  
8 does not include a medical procedure to remove a  
9 dead fetus or produce a live birth nor does it  
10 include an emergency medical procedure which has  
11 as its primary purpose the preservation of the  
12 pregnant person's life and may, incident to such  
13 medical procedure, cause the termination of a  
14 pregnancy. Abortion does".

H-5142 FILED, LOST BY SCHROEDER of Pottawattamie  
FEBRUARY 5, 1976 (17-78)

HOUSE AMENDMENT TO SENATE FILE 387

S-5097

1  
2 Amend Senate File 387, as passed by the Senate,  
3 as follows:

4 1. Page 1, by striking lines 15B through 15D  
5 and inserting in lieu thereof the following:  
6 "the treatment of a serious physical condition  
7 requiring emergency medical treatment necessary to  
save the life of a mother."

S-5097 FILED  
FEBRUARY 9, 1976

RECEIVED FROM THE HOUSE  
*Senate concurred 3-5, 36-7 (p. 755)*

S-3611

1  
2 Amend Senate File 387 as follows:

Div. A 3 1. Page 1, line 6, by inserting after the word  
4 "procedures" the words ", except in an emergency  
5 when medically necessary to save the life of the  
6 mother".

Div. B 7 2. Page 1, line 19, by inserting after the  
8 word "abortion" the words ", except in an emer-  
9 gency when medically necessary to save the life  
of the mother".

S-3611 FILED  
APRIL 24, 1975  
DIV. A - LOST (1093)  
DIV. B - PENDING, *Lost 4/29 (1142)*

BY PHILIP B. HILL  
MINNETTE F. DODERER  
JOHN S. MURRAY  
JOAN ORR  
WILLIAM N. PLYMAT  
ELIZABETH R. MILLER  
JAMES M. REDMOND

S-3614

1 Amend Senate File 387 as follows:

2 1. Page 1, line 3, by inserting after the "in"  
3 the word "any".  
4 2. Page 1, lines 3 and 4 by striking the words  
5 "which will result in an abortion".  
6 3. Page 1, line 12, by striking the words "an  
7 abortion procedure." and all of lines 13 through 15  
8 and inserting in lieu thereof the following: "any  
9 such procedure that is against the individual's  
10 religious beliefs or moral convictions."  
11 4. Page 1, line 19, by striking the word "the  
12 performance of an abortion" and inserting in lieu  
13 thereof the following: "such procedure which are  
14 against that hospital's religious beliefs or moral  
15 convictions".

S-3614 - *Withdrawn 4/29 (1142)*  
APRIL 24, 1975

BY MINNETTE DODERER

S-3613

1 Amend Senate File 387, page 1, line 22, by inserting  
2 after the word "hospital" the following: ", except if  
3 either the mother or the fetus dies as a result of  
4 the refusal to provide medical care".

S-3613 FILED - *w.d. 4/29(1142)* BY MINNETTE DODERER  
APRIL 24, 1975

S-3635

1 Amend Senate File 387, page 1, line 15, by  
2 inserting after the period the following: "Abortion  
3 does not include medical care which has as its primary  
4 purpose the treatment of a serious pathological con-  
5 dition requiring immediate medical attention and which  
6 may indirectly cause the termination of a pregnancy."

S-3635 FILED - *adopted 4/29* BY STEVE SOVERN  
APRIL 29, 1975 (*1142*) GEORGE R. KINLEY  
CLIFTON C. LAMBORN

Senate File 387

H-3977

1 Amend Senate File 387 as amended and passed by  
2 the Senate as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. NEW SECTION. PERSONS NOT REQUIRED  
6 TO PERFORM OR ASSIST IN AN ABORTION. Any person who  
7 may lawfully perform or assist in an abortion and  
8 who states in writing his or her moral or religious  
9 objections to abortion shall not be required to  
10 participate in an abortion. A person shall not  
11 discriminate against any individual in any way,  
12 including but not limited to employment, promotion,  
13 advancement, transfer, licensing, education, training  
14 or the granting of hospital privileges or staff  
15 appointments, because of a person's participation  
16 in or refusal to participate in recommending,  
17 performing or assisting in an abortion procedure.  
18 For the purposes of this Act "abortion" means a  
19 medical procedure which has as its sole and primary  
20 purpose the termination of a human pregnancy, but  
21 does not include a medical procedure to remove a dead  
22 fetus or produce a live birth nor does it include  
23 medical care which has as its purpose the treatment  
24 of a serious pathological or psychological condition.  
25 Sec. 2. NEW SECTION. LIABILITY FOR REFUSING TO  
26 PERFORM AN ABORTION. A hospital, which is not  
27 controlled, maintained and supported by a public  
28 authority, shall not be required to permit the  
29 performance of an abortion, as defined in section  
30 one (1) of this Act. The refusal to permit such  
31 procedures shall not be grounds for civil liability  
32 to any person nor a basis for a disciplinary or other  
33 recriminatory action against the hospital."

H-3977 FILED *Withdrawn 2/5*  
MAY 28, 1975

BY GENTLEMAN of Polk

H-3942

- 1 Amend Senate File 387 as follows:  
2 1. Page 1, line 6, by inserting after the word  
3 "procedures" the words ", except in an emergency  
4 when medically necessary to save the life of the  
5 mother".  
6 2. Page 1, by striking everything after the  
7 period in line 15, and all of lines 15A, 15B,  
8 15C and 15D.  
9 3. Page 1, line 18 by striking the word "and"  
10 and inserting in lieu thereof the word "or".  
11 4. Page 1, line 19, by inserting after the  
12 word "abortion" the words ", except in an emergency  
13 when medically necessary to save the life of the  
14 mother".  
15 5. Page 1, line 22 by inserting after the  
16 word "hospital" the following: ", except if the  
17 mother dies as a result of the refusal to provide  
18 medical care".

H-3942 FILED - *Withdrawn 2/5*  
MAY 23, 1975

BY GENTLEMAN of Polk

Senate File 387

H-4208

- 1 Amend Senate File 387, page 1, by adding after  
2 line 22 the following new section:  
3 "Sec. 3. NEW SECTION. LIABILITY OF DOCTORS IN  
4 HOSPITALS REFUSING TO PERFORM ABORTIONS. A doctor  
5 on the staff of a hospital, not controlled, maintained,  
6 or supported by a public authority shall have the  
7 right to perform, assist or participate in medical or  
8 surgical procedures which will result in termination  
9 of a pregnancy if, in the doctor's best clinical  
10 judgement, such termination is necessary to preserve  
11 the life of the woman. The performance of such pro-  
12 cedures shall not be grounds for any disciplinary or  
13 other recriminatory action against said doctor."

H-4208 FILED - *Withdrawn 2/5*  
JUNE 11, 1975

BY SCHROEDER of Pottawattamie

SENATE FILE 387

AN ACT

RELATING TO LIABILITY FOR THE PERFORMANCE OF OR REFUSAL TO  
PERFORM ABORTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. LIABILITY OF PERSONS RELATING  
TO PERFORMANCE OF ABORTIONS. An individual who may lawfully  
perform, assist, or participate in medical procedures which  
will result in an abortion shall not be required against that  
individual's religious beliefs or moral convictions to perform,  
assist, or participate in such procedures. A person shall  
not discriminate against any individual in any way, including  
but not limited to employment, promotion, advancement,  
transfer, licensing, education, training or the granting of  
hospital privileges or staff appointments, because of the  
individual's participation in or refusal to participate in  
recommending, performing or assisting in an abortion procedure.  
For the purposes of this Act, "abortion" means the termination  
of a human pregnancy with the intent other than to produce  
a live birth or to remove a dead fetus. Abortion does not  
include medical care which has as its primary purpose the  
treatment of a serious physical condition requiring emergency  
medical treatment necessary to save the life of a mother.

Sec. 2. NEW SECTION. LIABILITY OF HOSPITALS REFUSING  
TO PERFORM ABORTIONS. A hospital, which is not controlled,  
maintained and supported by a public authority, shall not  
be required to permit the performance of an abortion. The  
refusal to permit such procedures shall not be grounds for

civil liability to any person nor a basis for any disciplinary  
or other recriminatory action against the hospital.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 387, Sixty-sixth General Assembly.

\_\_\_\_\_  
STEVEN C. CROSS  
Secretary of the Senate

Approved March 19, 1976

\_\_\_\_\_  
ROBERT D. RAY  
Governor