

2/17/97 Amend/Do Pass
W/H-1035

REPRINTED

JAN 31 1997
HUMAN RESOURCES

HOUSE FILE 121
BY BODDICKER, MERTZ, GREINER,
KLEMME, KREMER, HOLMES, GARMAN,
SIEGRIST, CORBETT, WEIDMAN,
TYRRELL, WELTER, DIX, LAMBERTI,
SUKUP, BARRY, LORD, VANDE HOEF,
EDDIE, HUSEMAN, DOLECHECK, ARNOLD,
HEATON, CHURCHILL, HOUSER, TEIG,
BLODGETT, BRADLEY, BRUNKHORST,
DRAKE, GIPP, RANTS, GRIES,
LARSON, HAHN, MILLAGE, CARROLL,
VAN MAANEN, MUNDIE, MAY, BOGGESS,
JENKINS, VAN FOSSEN, RAYHONS, MEYER,
OSTERHAUS, O'BRIEN, VEENSTRA, and
BRAUNS

Passed House, Date 3-19-97 (p.696) Passed Senate, Date 4/10/97 (p.1117)
Vote: Ayes 72 Nays 28 Vote: Ayes 39 Nays 8
Approved May 21, 1997

A BILL FOR

1 An Act relating to notification procedures prior to the
2 performance of an abortion on or termination of parental
3 rights of a minor and applicable penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 121

5
6
7
8
9
10
11
12

1 Section 1. Section 135L.1, subsections 3 and 6, Code 1997,
2 are amended by striking the subsections.

3 Sec. 2. Section 135L.3, subsection 3, paragraph c, Code
4 1997, is amended to read as follows:

5 c. The court proceedings shall be conducted in a manner
6 which protects the confidentiality of the pregnant minor and
7 notwithstanding section 232.147 or any other provision to the
8 contrary, all court documents pertaining to the proceedings
9 shall remain confidential and shall be sealed. Only the
10 pregnant minor, the pregnant minor's guardian ad litem, the
11 pregnant minor's legal counsel, and persons whose presence is
12 specifically requested by the pregnant minor, by the pregnant
13 minor's guardian ad litem, or by the pregnant minor's legal
14 counsel may attend the hearing on the petition.

15 Sec. 3. Section 135L.3, subsection 3, paragraph 1, Code
16 1997, is amended to read as follows:

17 1. The supreme court shall prescribe rules to ensure that
18 the proceedings under this section are performed in an
19 expeditious and confidential manner. Resolution of a petition
20 for authorization of waiver of the notification requirement
21 shall be completed within seventeen calendar days as
22 calculated from the day after the filing of the petition to
23 the day of issuance of any final decision on appeal.

24 Sec. 4. Section 135L.3, subsection 3, paragraph m,
25 subparagraph (2), Code 1997, is amended by striking the
26 subparagraph.

27 Sec. 5. Section 135L.3, subsection 3, paragraph m,
28 subparagraph (3), Code 1997, is amended to read as follows:

29 (3) The pregnant minor's attending physician certifies in
30 writing that a medical emergency exists which necessitates the
31 immediate performance of an abortion ~~in accordance with~~
32 section-135B-5, and places the written certification in the
33 medical file of the pregnant minor.

34 Sec. 6. Section 135L.3, subsection 3, paragraph m,
35 subparagraph (4), Code 1997, is amended to read as follows:

1 (4) The pregnant minor declares that the pregnant minor is
2 a victim of child abuse pursuant to section 232.68, the person
3 responsible for the care of the child is a parent of the
4 child, and either the abuse has been reported pursuant to the
5 procedures prescribed in chapter 232, division III, part 2, or
6 a parent of the child is named in a report of founded child
7 abuse. The department of human services shall maintain
8 confidentiality under chapter 232 and shall not release any
9 information in response to a request for public records,
10 discovery procedures, subpoena, or any other means, unless the
11 release of information is expressly authorized by the pregnant
12 minor regarding the pregnant minor's pregnancy and abortion,
13 if the abortion is obtained.

14 Sec. 7. Section 135L.3, subsection 3, paragraph n, Code
15 1997, is amended to read as follows:

16 n. A person who knowingly performs an abortion in
17 violation of this section is guilty of a serious misdemeanor.

18 Sec. 8. Section 135L.6, subsection 2, Code 1997, is
19 amended to read as follows:

20 2. Knowingly tenders a false original or copy of the
21 notification document mailed to a parent~~, grandparent, or aunt~~
22 ~~or uncle~~ of the pregnant minor under this chapter, ~~a false~~
23 ~~original or copy of the written certification to be provided~~
24 ~~to a parent of a pregnant minor pursuant to section 135b.5,~~ or
25 a false original or copy of the order waiving notification
26 relative to the performance of an abortion on a pregnant
27 minor.

28 Sec. 9. Section 135L.7, Code 1997, is amended to read as
29 follows:

30 135L.7 IMMUNITIES.

31 ~~1. With the exception of the civil liability which may~~
32 ~~apply to a grandparent or aunt or uncle of a pregnant minor~~
33 ~~who accepts notification under this chapter,~~ a A person is
34 immune from any liability, civil or criminal, for any act,
35 omission, or decision made in connection with a good faith

1 effort to comply with the provisions of this chapter.

2 2. This section shall not be construed to limit civil or
3 ~~criminal~~ liability of a person for any act, omission, or
4 decision made in relation to the performance of a medical
5 procedure on a pregnant minor.

6 Sec. 10. Section 135L.8, Code 1997, is amended to read as
7 follows:

8 135L.8 ADOPTION OF RULES -- IMPLEMENTATION AND DOCUMENTS.

9 The Iowa department of public health shall adopt rules to
10 implement the notification procedures pursuant to this chapter
11 including but not limited to rules regarding the documents
12 necessary for notification of a parent~~, grandparent, or aunt~~
13 ~~or uncle~~ of a pregnant minor who is designated to receive
14 notification under this chapter.

15 Sec. 11. Section 600A.6, subsection 7, Code 1997, is
16 amended by striking the subsection.

17 Sec. 12. Section 135L.5, Code 1997, is repealed.

18 EXPLANATION

19 This bill changes the current law regarding the persons who
20 may be notified prior to the performance of an abortion on a
21 pregnant minor. The bill eliminates the option of notifying a
22 grandparent or aunt or uncle of a pregnant minor in lieu of a
23 parent prior to the performance of an abortion on a pregnant
24 minor.

25 The bill also provides that all court documents pertaining
26 to the waiver of notification proceedings are to be sealed and
27 that resolution of a petition for waiver of notification must
28 be completed within 17 calendar days after the day of filing
29 of the petition to the day of any final decision on appeal of
30 the action. The bill provides that if the pregnant minor
31 declares the pregnant minor to be a victim of sexual abuse,
32 the department of human services is prohibited from releasing
33 information relating to the pregnant minor's pregnancy or
34 abortion, if the abortion is obtained, in response to a
35 request for public records, discovery procedures, or subpoena,

1 unless expressly authorized by the pregnant minor.

2 The bill eliminates the procedure to be followed in lieu of
3 notification of a parent and judicial bypass in the case of a
4 medical emergency, and provides that a medical emergency, as
5 defined in chapter 135L, is an exception to notification of a
6 parent prior to performance of an abortion on a pregnant
7 minor. The bill also includes an element of criminal intent
8 in the provisions for performing an abortion in violation of
9 the section of the law relating to notification.

10 The bill eliminates the required notification of a
11 custodial parent or legal guardian or custodian of a pregnant
12 minor or minor who has given birth, prior to the hearing
13 regarding the termination of parental rights of the pregnant
14 minor or minor.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 121

H-1035

- 1 Amend House File 121 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "manner." the following: "The rules shall require
4 that the hearing on the petition shall be held and the
5 court shall rule on the petition within forty-eight
6 hours of the filing of the petition."
7 2. Page 2, line 13, by inserting after the word
8 "obtained." the following: "A person who knowingly
9 violates the confidentiality provisions of this
10 subparagraph is guilty of a serious misdemeanor."
11 3. Page 2, by inserting after line 17 the
12 following:
13 "Sec. ____ . Section 135L.3, subsection 3, Code
14 1997, is amended by adding the following new
15 paragraph:
16 NEW PARAGRAPH. o. A person who knowingly violates
17 the confidentiality requirements of this section
18 relating to court proceedings and documents is guilty
19 of a serious misdemeanor."

By COMMITTEE ON HUMAN RESOURCES
BODDICKER of Cedar, Chairperson

H-1035 FILED FEBRUARY 17, 1997

*adopted 3/19/97
(P 690)*

HOUSE FILE 121
FISCAL NOTE

A fiscal note for House File 121 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 121 changes the current law regarding the persons who may be notified prior to the termination of a pregnancy of a minor. The Bill eliminates the option of notifying a grandparent or aunt or uncle in lieu of a parent. The Bill also addresses confidentiality concerns.

FISCAL IMPACT

No discernable fiscal impact is anticipated as a result of HF 121. The number of pregnant minors requesting a judicial bypass may increase, but it is not possible to estimate the additional number of judicial proceedings.

SOURCES

Judicial Department

(LSB 1445hh, VMT)

FILED FEBRUARY 20, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

H-1155

1 Amend the amendment, H-1035, to House File 121 as
2 follows:

3 1. Page 1, by inserting after line 1, the
4 following:

5 "____. Page 1, by inserting after line 2 the
6 following:

7 "Sec. _____. Section 135L.2, subsections 3 and 6,
8 Code 1997, are amended to read as follows:

9 3. During the initial appointment between a
10 licensed physician from whom a pregnant minor is
11 seeking the performance of an abortion and a pregnant
12 minor, ~~a the licensed physician, who is providing~~
13 ~~medical services to a pregnant minor,~~ shall offer the
14 viewing of the video and the written decision-making
15 materials to the pregnant minor, and shall obtain the
16 signed and dated certification form from the pregnant
17 minor. ~~If the pregnant minor has previously been~~
18 ~~offered the viewing of the video and the written~~
19 ~~decision-making materials by another source, the~~
20 ~~licensed physician shall obtain the completed~~
21 ~~certification form from the other source to verify~~
22 ~~that the pregnant minor has been offered the viewing~~
23 ~~of the video and the written decision-making~~
24 ~~materials.~~ A licensed physician shall not perform an
25 abortion on a pregnant minor prior to obtaining the
26 completed certification form from a pregnant minor.

27 6. Following the offering of the viewing of the
28 video and of the written decision-making materials,
29 the pregnant minor shall sign and date the
30 certification form attached to the materials, and
31 shall submit the completed form to the licensed
32 physician ~~or provide the person making the offer with~~
33 ~~information to send the completed form to the pregnant~~
34 ~~minor's attending physician.~~ The person offering the
35 ~~viewing of the video and the decision-making materials~~
36 licensed physician shall also provide a copy of the
37 completed certification form to the pregnant minor.

38 Sec. _____. Section 135L.3, subsections 1 and 2,
39 Code 1997, are amended to read as follows:

40 1. A person licensed physician shall not perform
41 an abortion on a pregnant minor until at least forty-
42 eight hours' prior notification is provided to a
43 parent of the pregnant minor.

44 2. The person licensed physician who will perform
45 the abortion shall provide notification in person or
46 by mailing the notification by restricted certified
47 mail to the a parent of the pregnant minor at the
48 usual place of abode of the parent. For the purpose
49 of delivery by restricted certified mail, the time of
50 delivery is deemed to occur at twelve o'clock noon on

H-1155

H-1155

Page 2

- 1 the next day on which regular mail delivery takes
 2 place, subsequent to the mailing."
 3 2. Page 1, by inserting after line 10 the
 4 following:
 5 "____. Page 2, line 16, by striking the word
 6 "person" and inserting the following: "person
 7 licensed physician."
 8 3. Page 1, by inserting after line 19 the
 9 following:
 10 "____. Page 2, line 18, by striking the word and
 11 figure "subsection 2,".
 12 "____. Page 2, by inserting after line 19 the
 13 following:
 14 "135L.6 FRAUDULENT PRACTICE.
 15 A person who does any of the following is guilty of
 16 a fraudulent practice in the fourth degree pursuant to
 17 section 714.12:
 18 1. Knowingly tenders a false original or copy of
 19 the signed and dated certification form described in
 20 section 135L.2, to be retained by the licensed
 21 physician ~~or-to-be-sent-to-the-pregnant-minor's~~
 22 ~~attending-physician.~~"
 23 4. By renumbering as necessary.

By BODDICKER of Cedar

H-1155 FILED MARCH 10, 1997

Adopted 3/19/97 (p.688)

HOUSE FILE 121

H-1205

- 1 Amend the amendment, H-1035, to House File 121, as
 2 follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "petition." the following: "If the court fails to
 5 hold the hearing and rule on the petition within
 6 forty-eight hours of the filing of the petition and an
 7 extension is not requested, the petition is deemed
 8 granted and waiver of the notification requirements is
 9 deemed authorized. The court shall immediately
 10 provide documentation to the pregnant minor and to the
 11 pregnant minor's legal counsel demonstrating that the
 12 petition is deemed granted and that waiver of the
 13 notification requirements is deemed authorized."
 14 2. Page 1, by inserting after line 6 the
 15 following:
 16 "____. Page 1, line 21, by striking the word
 17 "seventeen" and inserting the following: "ten".
 18 3. By renumbering as necessary.

By BODDICKER of Cedar
BURNETT of Story

H-1205 FILED MARCH 17, 1997

WITHDRAWN

3/19/97 (p.689)

HOUSE FILE 121

H-1223

1 Amend the amendment, H-1035, to House File 121 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "____. Page 1, by striking lines 1 and 2 and
6 inserting the following:

7 "Section 1. Section 135L.1, subsection 3, Code
8 1997, is amended by striking the subsection and
9 inserting in lieu thereof the following:

10 3. "Adult sponsor" means a person other than a
11 parent, who is twenty-five years of age or older, with
12 whom the pregnant minor currently resides and has
13 previously resided for a period of at least six months
14 at the time that notification is required pursuant to
15 section 135L.3.

16 Sec. _____. Section 135L.1, subsection 6, Code 1997,
17 is amended by striking the subsection."

18 2. Page 1, by inserting after line 6 the
19 following:

20 "____. Page 1, by striking lines 25 and 26 and
21 inserting the following: "subparagraph (2), Code
22 1997, is amended to read as follows:

23 (2) (a) The pregnant minor declares, in a written
24 statement submitted to the attending physician, a
25 reason for not notifying a parent and a reason for
26 notifying ~~a-grandparent-or-an-aunt-or-uncle~~ an adult
27 sponsor of the pregnant minor in lieu of the
28 notification of a parent. Upon receipt of the written
29 statement from the pregnant minor, the attending
30 physician shall provide notification to ~~a-grandparent~~
31 ~~or-an-aunt-or-uncle~~ an adult sponsor of the pregnant
32 minor, specified by the pregnant minor, in the manner
33 in which notification is provided to a parent.

34 (b) The notification form shall be in duplicate
35 and shall include both of the following:

36 (i) A declaration which informs the ~~grandparent-or~~
37 ~~the-aunt-or-uncle~~ adult sponsor of the pregnant minor
38 that the ~~grandparent-or-aunt-or-uncle~~ adult sponsor of
39 the pregnant minor may be subject to civil action if
40 the ~~grandparent-or-aunt-or-uncle~~ adult sponsor accepts
41 notification.

42 (ii) A provision that the ~~grandparent-or-aunt-or~~
43 ~~uncle~~ adult sponsor of the pregnant minor may refuse
44 acceptance of notification."

45 3. Page 1, by inserting after line 19 the
46 following:

47 "____. Page 2, by striking lines 21 and 22 and
48 inserting the following: "notification document
49 mailed to a parent, ~~grandparent, or-aunt-or-uncle~~ or
50 an adult sponsor of the pregnant minor under this

H-1223

-1-

H-1223

Page 2

1 chapter, ~~a-false~~".
 2 _____. Page 2, by striking lines 31 through 33 and
 3 inserting the following:
 4 "1. With the exception of the civil liability
 5 which may apply to ~~a-grandparent-or-aunt-or-uncle~~ an
 6 adult sponsor of a pregnant minor who accepts
 7 notification under this chapter, a person is".
 8 _____. Page 3, by striking lines 12 and 13 and
 9 inserting the following: "necessary for notification
 10 of a parent, ~~grandparent, or aunt or uncle~~ or an adult
 11 sponsor of a pregnant minor who is designated to
 12 receive".
 13 4. By renumbering as necessary.

By MORELAND of Wapello

H-1223 FILED MARCH 18, 1997

WITHDRAWN
3-19-97

HOUSE FILE 121

H-1226

1 Amend House File 121 as follows:
 2 1. Page 2, by inserting after line 17 the
 3 following:
 4 "Sec. _____. Section 135L.3, subsection 3, Code
 5 1997, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. O. A person who performs an
 8 abortion on a pregnant minor under this section shall
 9 maintain the confidentiality of the pregnant minor's
 10 medical file including any documents relating to the
 11 abortion, and shall only provide access to the
 12 pregnant minor's medical file to a health care
 13 provider providing medical services to the pregnant
 14 minor which necessitate access to the file and to any
 15 person for whom the pregnant minor requests access."

By FALLON of Polk

H-1226 FILED MARCH 18, 1997

Lost 3-19-97
(P. 694)

HOUSE FILE 121

H-1227

1 Amend House File 121 as follows:
 2 1. Page 1, by inserting after line 2 the
 3 following:
 4 "Sec. _____. Section 135L.2, subsection 5, Code
 5 1997, is amended to read as follows:
 6 5. ~~To the extent possible and at the discretion of~~
 7 ~~the pregnant minor, the~~ The person responsible for
 8 impregnating the pregnant minor shall also be involved
 9 in the viewing of the video and in the receipt of
 10 written decision-making materials."
 11 2. By renumbering as necessary.

By CONNORS of Polk

H-1227 FILED MARCH 18, 1997

Lost 3/19/97 (P. 693)

HOUSE FILE 121

H-1230

1 Amend House File 121 as follows:

2 1. Page 1, by striking lines 1 and 2 and
3 inserting the following:

4 "Section 1. Section 135L.1, subsection 3, Code
5 1997, is amended by striking the subsection."

6 2. Page 1, by striking lines 25 and 26 and
7 inserting the following: "subparagraph (2), Code
8 1997, is amended to read as follows:

9 (2) (a) The pregnant minor declares, in a written
10 statement submitted to the attending physician, a
11 reason for not notifying a parent and a reason for
12 notifying a grandparent ~~or-an-aunt-or-uncle~~ of the
13 pregnant minor in lieu of the notification of a
14 parent. Upon receipt of the written statement from
15 the pregnant minor, the attending physician shall
16 provide notification to a grandparent ~~or-an-aunt-or~~
17 ~~uncle~~ of the pregnant minor, specified by the pregnant
18 minor, in the manner in which notification is provided
19 to a parent.

20 (b) The notification form shall be in duplicate
21 and shall include both of the following:

22 (i) A declaration which informs the grandparent ~~or~~
23 ~~the-aunt-or-uncle~~ of the pregnant minor that the
24 grandparent ~~or-aunt-or-uncle~~ of the pregnant minor may
25 be subject to civil action if the grandparent ~~or-aunt~~
26 ~~or-uncle~~ accepts notification.

27 (ii) A provision that the grandparent ~~or-aunt-or~~
28 ~~uncle~~ of the pregnant minor may refuse acceptance of
29 notification."

30 3. Page 2, by striking lines 21 and 22 and
31 inserting the following: "notification document
32 mailed to a parent, or grandparent, ~~or-aunt-or-uncle~~
33 of the pregnant minor under this chapter, ~~a-false~~".

34 4. Page 2, by striking lines 31 through 33 and
35 inserting the following:

36 "1. With the exception of the civil liability
37 which may apply to a grandparent ~~or-aunt-or-uncle~~ of a
38 pregnant minor who accepts notification under this
39 chapter, a person is".

40 5. Page 3, by striking lines 12 and 13 and
41 inserting the following: "necessary for notification
42 of a parent, or grandparent, ~~or-aunt-or-uncle~~ of a
43 pregnant minor who is designated to receive".

44 6. By renumbering as necessary.

By MARTIN of Scott
BURNETT of Story
GRUNDBERG of Polk
CONNORS of Polk
JACOBS of Polk
FORD of Polk

METCALF of Polk
FOEGE of Linn
MORELAND of Wapello
MASCHER of Johnson
NELSON of Marshall
BRAND of Tama

H-1230 FILED MARCH 18, 1997

Adopted
3/19/97 (p. 692)

HOUSE FILE 121

H-1228

- 1 Amend House File 121 as follows:
- 2 1. Page 1, by striking lines 1 and 2.
- 3 2. Page 1, by striking lines 24 through 26.
- 4 3. Page 2, lines 21 and 22, by striking the words
- 5 "~~7-grandparent7-or-aunt-or-uncle~~" and inserting the
- 6 following: ", grandparent, or aunt or uncle".
- 7 4. Page 2, line 28, by inserting after the figure
- 8 "135L.7," the following: "subsection 2,".
- 9 5. By striking page 2, line 30, through page 3,
- 10 line 1.
- 11 6. Page 3, by striking lines 6 through 14.
- 12 7. By renumbering as necessary.

By JACOBS of Polk	MASCHER of Johnson
BURNETT of Story	MARTIN of Scott
GRUNDBERG of Polk	MORELAND of Wapello
CONNORS of Polk	FORD of Polk
FOEGE of Linn	BRAND of Tama
METCALF of Polk	NELSON of Marshall

H-1228 FILED MARCH 18, 1997

WITHDRAWN

3.19-97 (p.692)

HOUSE FILE 121

H-1229

- 1 Amend House File 121 as follows:
- 2 1. Page 3, by inserting after line 14 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 135L.9 SCHOOL DISTRICTS
- 5 -- PROVISION OF INFORMATION.
- 6 1. The board of directors of each school district
- 7 shall ensure that each child in grades sixth through
- 8 twelfth enrolled in a public or nonpublic school,
- 9 which receives state funding, within the school
- 10 district is provided with all of the following,
- 11 annually, at the beginning of the school year:
- 12 a. Information regarding the existence and
- 13 requirements of this chapter.
- 14 b. The address and telephone number of each
- 15 agency, in the county in which the school is located,
- 16 which provides opportunities for viewing of the video.
- 17 c. Instructions for accessing the court for
- 18 assistance in complying with this chapter.
- 19 2. The department of education shall develop and
- 20 distribute to all school districts a standardized
- 21 information form which shall be used by the school
- 22 district in administering this section."
- 23 2. By renumbering as necessary.

By BRAND of Tama

H-1229 FILED MARCH 18, 1997

Loat 3/29/97 (p.696)

HOUSE FILE 121

H-1235

1 Amend House File 121 as follows:

2 1. Page 2, by inserting after line 17 the
3 following:

4 "Sec. ____ . Section 135L.3, subsection 3, Code
5 1997, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. o. All records and files of a
8 court proceeding maintained under this section shall
9 be destroyed by the clerk of court when six months
10 have elapsed from any of the following, as applicable:

11 (1) The date that the court issues an order
12 waiving the notification requirements.

13 (2) The date after which the court denies the
14 petition for waiver of notification and the decision
15 is not appealed.

16 (3) The date after which the court denies the
17 petition for waiver of notification, the decision is
18 appealed, and all appeals are exhausted."

19 2. Page 3, by inserting after line 16 the
20 following:

21 "Sec. ____ . Section 602.8102, Code 1997, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 31. Destroy all records and files
24 of a court proceeding maintained under section 135L.3
25 in accordance with section 135L.3, subsection 3,
26 paragraph "o".

27 3. By renumbering as necessary.

By DODERER of Johnson

H-1235 FILED MARCH 18, 1997

adopted 3-19-97
(p. 695)

HOUSE FILE 121

H-1236

1 Amend the amendment, H-1035, to House File 121, as
2 follows:

3 1. Page 1, by inserting after line 6 the
4 following:

5 "____ . Page 1, line 19, by striking the word
6 "Resolution" and inserting the following:
7 "Immediately providing documentation" means providing
8 documentation no later than seventy-two hours from the
9 filing of the petition. Resolution."

10 2. By renumbering as necessary.

By MORELAND of Wapello

MARTIN of Scott

BRAND of Tama

GRUNDBERG of Polk

MASCHER of Johnson

JACOBS of Polk

H-1236 FILED MARCH 18, 1997

Last 3/19/97
(p. 690)

HOUSE FILE 121

H-1231

- 1 Amend House File 121 as follows:
2 1. Page 1, by inserting after line 2 the
3 following:
4 "Sec. ____ . NEW SECTION. 135L.2A NOTIFICATION OF
5 PARENT BY MINORS FOLLOWING SEXUAL INTERCOURSE.
6 Following the performance of sexual intercourse
7 involving a minor, any minor involved shall do all of
8 the following:
9 1. Notify a parent of the dates and times of the
10 performance of sexual intercourse.
11 2. Notify a parent of whether or not a
12 contraceptive was used during sexual intercourse and
13 the type of contraceptive used."
14 2. By renumbering as necessary.

By CONNORS of Polk

H-1231 FILED MARCH 18, 1997

Last 3/19/97 (p. 694)

HOUSE FILE 121

H-1234

- 1 Amend House File 121 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:
4 "Sec. ____ . NEW SECTION. 135L.9 PREGNANT MINOR --
5 RETENTION OF PARENTAL RIGHTS.
6 If a pregnant minor decides to continue the
7 pregnancy to term and retain parental rights to the
8 child following the child's birth, and if the pregnant
9 minor and the father of the child do not marry, the
10 pregnant minor and the child shall live in the home of
11 the pregnant minor's parent following the birth of the
12 child."
13 2. Title page, line 1, by striking the words
14 "notification procedures prior to".
15 3. By renumbering as necessary.

By CONNORS of Polk

H-1234 FILED MARCH 18, 1997

Last 3/19/97 (p. 696)

HOUSE FILE 121

H-1237

1 Amend House File 121 as follows:

2 1. Page 1, by striking lines 1 and 2 and
3 inserting the following:

4 "Section 1. Section 135L.1, subsection 3, Code
5 1997, is amended by striking the subsection and
6 inserting in lieu thereof the following:

7 3. "Adult sponsor" means a relative of the
8 pregnant minor other than a parent, who is twenty-five
9 years of age or older, with whom the pregnant minor
10 currently resides and has previously resided for a
11 period of at least six months at the time that
12 notification is required pursuant to section 135L.3.

13 Sec. _____. Section 135L.1, subsection 6, Code 1997,
14 is amended by striking the subsection."

15 2. Page 1, by striking lines 25 and 26 and
16 inserting the following: "subparagraph (2), Code
17 1997, is amended to read as follows:

18 (2) (a) The pregnant minor declares, in a written
19 statement submitted to the attending physician, a
20 reason for not notifying a parent and a reason for
21 notifying ~~a-grandparent-or-an-aunt-or-uncle~~ an adult
22 sponsor of the pregnant minor in lieu of the
23 notification of a parent. Upon receipt of the written
24 statement from the pregnant minor, the attending
25 physician shall provide notification to ~~a-grandparent~~
26 ~~or-an-aunt-or-uncle~~ an adult sponsor of the pregnant
27 minor, specified by the pregnant minor, in the manner
28 in which notification is provided to a parent.

29 (b) The notification form shall be in duplicate
30 and shall include both of the following:

31 (i) A declaration which informs the ~~grandparent-or~~
32 ~~the-aunt-or-uncle~~ adult sponsor of the pregnant minor
33 that the ~~grandparent-or-aunt-or-uncle~~ adult sponsor of
34 the pregnant minor may be subject to civil action if
35 the ~~grandparent-or-aunt-or-uncle~~ adult sponsor accepts
36 notification.

37 (ii) A provision that the ~~grandparent-or-aunt-or~~
38 ~~uncle~~ adult sponsor of the pregnant minor may refuse
39 acceptance of notification."

40 3. Page 2, by striking lines 21 and 22 and
41 inserting the following: "notification document
42 mailed to a parent, ~~grandparent, or-aunt-or-uncle~~ or
43 an adult sponsor of the pregnant minor under this
44 chapter, ~~a-false~~".

45 4. Page 2, by striking lines 31 through 33 and
46 inserting the following:

47 "1. With the exception of the civil liability
48 which may apply to ~~a-grandparent-or-aunt-or-uncle~~ an
49 adult sponsor of a pregnant minor who accepts
50 notification under this chapter, a person is".

H-1237

-1-

H-1237

Page 2

- 1 5. Page 3, by striking lines 12 and 13 and
 2 inserting the following: "necessary for notification
 3 of a parent, ~~grandparent, or aunt or uncle~~ or an adult
 4 sponsor of a pregnant minor who is designated to
 5 receive".
 6 6. By renumbering as necessary.

By MORELAND of Wapello

H-1237 FILED MARCH 18, 1997

Out of order 3-19-97 (P. 692)

H-1212

- 1 Amend the amendment, H-1035, to House File 121, as
 2 follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "petition." the following: "If the court fails to
 5 hold the hearing and rule on the petition within
 6 forty-eight hours of the filing of the petition and an
 7 extension is not requested, the petition is deemed
 8 granted and waiver of the notification requirements is
 9 deemed authorized. The court shall immediately
 10 provide documentation to the pregnant minor and to the
 11 pregnant minor's legal counsel if the pregnant minor
 12 is represented by legal counsel demonstrating that the
 13 petition is deemed granted and that waiver of the
 14 notification requirements is deemed authorized."
 15 2. Page 1, by inserting after line 6 the
 16 following:
 17 "____. Page 1, line 21, by striking the word
 18 "seventeen" and inserting the following: "ten."
 19 3. By renumbering as necessary.

By BODDICKER of Cedar
BURNETT of Story

H-1212 FILED MARCH 18, 1997

H-1249

- 1 Amend the amendment, H-1231 to House File 121 as
 2 follows:
 3 1. Page 1, by inserting after line 13, the
 4 following:
 5 "____. Page 3, by inserting after line 14, the
 6 following:
 7 "Sec. ____ . NEW SECTION. 599.7 VASECTOMY --
 8 MINORS.
 9 1. As used in this section, unless the context
 10 otherwise requires:
 11 a. "Medical emergency" means a condition that,
 12 based on a physician's clinical judgment, so
 13 complicates the health of a minor as to require
 14 immediate medical intervention.
 15 b. "Minor" means a person under eighteen years of
 16 age who has not been and is not married.
 17 c. "Parent" means one parent or a legal guardian
 18 or custodian of a minor.
 19 d. "Vasectomy" means the surgical excision of part
 20 or all of the vas deferens to effect sterility in
 21 males.
 22 2. A medical provider shall not perform a
 23 vasectomy on a minor until a parent of the minor has
 24 been notified of the minor's request for the
 25 performance of the procedure. This requirement does
 26 not apply if the medical provider certifies, in
 27 writing, that a medical emergency exists which
 28 necessitates the immediate performance of the
 29 procedure."
 30 ____ . Title page, line 1, by inserting after the
 31 words "prior to" the following: "certain procedures
 32 and processes relating to minors, including prior to a
 33 vasectomy on a minor, and prior to".
 34 2. By renumbering as necessary.

By CONNORS of Polk

H-1249 FILED MARCH 19, 1997

ADOPTED

3/19/97 (P. 694)

Pink Copy

✓ - 3/20/97, Hemond Rec.
S. 4/2/97 Amend/No Pass
W/53333

HOUSE FILE 121

BY BODDICKER, MERTZ, GREINER,
KLEMME, KREMER, HOLMES, GARMAN,
SIEGRIST, CORBETT, WEIDMAN,
TYRRELL, WELTER, DIX, LAMBERTI,
SUKUP, BARRY, LORD, VANDE HOEF,
EDDIE, HUSEMAN, DOLECHECK, ARNOLD,
HEATON, CHURCHILL, HOUSER, TEIG,
BLODGETT, BRADLEY, BRUNKHORST,
DRAKE, GIPP, RANTS, GRIES,
LARSON, HAHN, MILLAGE, CARROLL,
VAN MAANEN, MUNDIE, MAY, BOGGESS,
JENKINS, VAN FOSSEN, RAYHONS, MEYER,
OSTERHAUS, O'BRIEN, VEENSTRA, and
BRAUNS

(As Amended and Passed by the House, March 19, 1997)

Passed House, Date 4-15-97 (P. 1253) Passed Senate, Date 4/10/97 (P. 1117)
Vote: Ayes 72 Nays 27 Vote: Ayes 39 Nays 8
Approved May 21, 1997 Revised 4/23/97
Vote 39-9 (P. 1378)

A BILL FOR

1 An Act relating to notification procedures prior to the
2 performance of an abortion on or termination of parental
3 rights of a minor and applicable penalties.

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

5
6
7
8
9
10
11

House Amendments _____

Deleted Language *

1 Section 1. Section 135L.1, subsection 3, Code 1997, is
2 amended by striking the subsection.

3 Sec. 2. Section 135L.2, subsections 3 and 6, Code 1997,
4 are amended to read as follows:

5 3. During the initial appointment between a licensed
6 physician from whom a pregnant minor is seeking the
7 performance of an abortion and a pregnant minor, a the
8 licensed physician, who is providing medical services to a
9 pregnant minor, shall offer the viewing of the video and the
10 written decision-making materials to the pregnant minor, and
11 shall obtain the signed and dated certification form from the
12 pregnant minor. If the pregnant minor has previously been
13 offered the viewing of the video and the written decision-
14 making materials by another source, the licensed physician
15 shall obtain the completed certification form from the other
16 source to verify that the pregnant minor has been offered the
17 viewing of the video and the written decision-making
18 materials. A licensed physician shall not perform an abortion
19 on a pregnant minor prior to obtaining the completed
20 certification form from a pregnant minor.

21 6. Following the offering of the viewing of the video and
22 of the written decision-making materials, the pregnant minor
23 shall sign and date the certification form attached to the
24 materials, and shall submit the completed form to the licensed
25 physician or provide the person making the offer with
26 information to send the completed form to the pregnant minor's
27 attending physician. The person offering the viewing of the
28 video and the decision-making materials licensed physician
29 shall also provide a copy of the completed certification form
30 to the pregnant minor.

31 Sec. 3. Section 135L.3, subsections 1 and 2, Code 1997,
32 are amended to read as follows:

33 1. A person licensed physician shall not perform an
34 abortion on a pregnant minor until at least forty-eight hours'
35 prior notification is provided to a parent of the pregnant

1 minor.

2 2. The person licensed physician who will perform the
3 abortion shall provide notification in person or by mailing
4 the notification by restricted certified mail to the a parent
5 of the pregnant minor at the usual place of abode of the
6 parent. For the purpose of delivery by restricted certified
7 mail, the time of delivery is deemed to occur at twelve
8 o'clock noon on the next day on which regular mail delivery
9 takes place, subsequent to the mailing.

10 Sec. 4. Section 135L.3, subsection 3, paragraph c, Code
11 1997, is amended to read as follows:

12 c. The court proceedings shall be conducted in a manner
13 which protects the confidentiality of the pregnant minor and
14 notwithstanding section 232.147 or any other provision to the
15 contrary, all court documents pertaining to the proceedings
16 shall remain confidential and shall be sealed. Only the
17 pregnant minor, the pregnant minor's guardian ad litem, the
18 pregnant minor's legal counsel, and persons whose presence is
19 specifically requested by the pregnant minor, by the pregnant
20 minor's guardian ad litem, or by the pregnant minor's legal
21 counsel may attend the hearing on the petition.

22 Sec. 5. Section 135L.3, subsection 3, paragraph 1, Code
23 1997, is amended to read as follows:

24 1. The supreme court shall prescribe rules to ensure that
25 the proceedings under this section are performed in an
26 expeditious and confidential manner. The rules shall require
27 that the hearing on the petition shall be held and the court
28 shall rule on the petition within forty-eight hours of the
29 filing of the petition. If the court fails to hold the
30 hearing and rule on the petition within forty-eight hours of
31 the filing of the petition and an extension is not requested,
32 the petition is deemed granted and waiver of the notification
33 requirements is deemed authorized. The court shall
34 immediately provide documentation to the pregnant minor and to
35 the pregnant minor's legal counsel if the pregnant minor is

1 represented by legal counsel demonstrating that the petition
2 is deemed granted and that waiver of the notification
3 requirements is deemed authorized. Resolution of a petition
4 for authorization of waiver of the notification requirement
5 shall be completed within ten calendar days as calculated from
6 the day after the filing of the petition to the day of
7 issuance of any final decision on appeal.

8 Sec. 6. Section 135L.3, subsection 3, paragraph m,
9 subparagraph (2), Code 1997, is amended to read as follows:

10 (2) (a) The pregnant minor declares, in a written
11 statement submitted to the attending physician, a reason for
12 not notifying a parent and a reason for notifying a
13 grandparent ~~or-an-aunt-or-uncle~~ of the pregnant minor in lieu
14 of the notification of a parent. Upon receipt of the written
15 statement from the pregnant minor, the attending physician
16 shall provide notification to a grandparent ~~or-an-aunt-or~~
17 ~~uncle~~ of the pregnant minor, specified by the pregnant minor,
18 in the manner in which notification is provided to a parent.

19 (b) The notification form shall be in duplicate and shall
20 include both of the following:

21 (i) A declaration which informs the grandparent ~~or-the~~
22 ~~aunt-or-uncle~~ of the pregnant minor that the grandparent ~~or~~
23 ~~aunt-or-uncle~~ of the pregnant minor may be subject to civil
24 action if the grandparent ~~or-aunt-or-uncle~~ accepts
25 notification.

26 (ii) A provision that the grandparent ~~or-aunt-or-uncle~~ of
27 the pregnant minor may refuse acceptance of notification.

28 Sec. 7. Section 135L.3, subsection 3, paragraph m,
29 subparagraph (3), Code 1997, is amended to read as follows:

30 (3) The pregnant minor's attending physician certifies in
31 writing that a medical emergency exists which necessitates the
32 immediate performance of an abortion ~~in-accordance-with~~
33 ~~section-135B-5~~, and places the written certification in the
34 medical file of the pregnant minor.

35 Sec. 8. Section 135L.3, subsection 3, paragraph m,

1 subparagraph (4), Code 1997, is amended to read as follows:

2 (4) The pregnant minor declares that the pregnant minor is
3 a victim of child abuse pursuant to section 232.68, the person
4 responsible for the care of the child is a parent of the
5 child, and either the abuse has been reported pursuant to the
6 procedures prescribed in chapter 232, division III, part 2, or
7 a parent of the child is named in a report of founded child
8 abuse. The department of human services shall maintain
9 confidentiality under chapter 232 and shall not release any
10 information in response to a request for public records,
11 discovery procedures, subpoena, or any other means, unless the
12 release of information is expressly authorized by the pregnant
13 minor regarding the pregnant minor's pregnancy and abortion,
14 if the abortion is obtained. A person who knowingly violates
15 the confidentiality provisions of this subparagraph is guilty
16 of a serious misdemeanor.

17 Sec. 9. Section 135L.3, subsection 3, paragraph n, Code
18 1997, is amended to read as follows:

19 n. A person licensed physician who knowingly performs an
20 abortion in violation of this section is guilty of a serious
21 misdemeanor.

22 Sec. 10. Section 135L.3, subsection 3, Code 1997, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. o. All records and files of a court
25 proceeding maintained under this section shall be destroyed by
26 the clerk of court when six months have elapsed from any of
27 the following, as applicable:

28 (1) The date that the court issues an order waiving the
29 notification requirements.

30 (2) The date after which the court denies the petition for
31 waiver of notification and the decision is not appealed.

32 (3) The date after which the court denies the petition for
33 waiver of notification, the decision is appealed, and all
34 appeals are exhausted.

35 Sec. 11. Section 135L.3, subsection 3, Code 1997, is

1 amended by adding the following new paragraph:

2 NEW PARAGRAPH. p. A person who knowingly violates the
3 confidentiality requirements of this section relating to court
4 proceedings and documents is guilty of a serious misdemeanor.

* 5 Sec. 12. Section 135L.6, Code 1997, is amended to read as
6 follows:

7 135L.6 FRAUDULENT PRACTICE.

8 A person who does any of the following is guilty of a
9 fraudulent practice in the fourth degree pursuant to section
10 714.12:

11 1. Knowingly tenders a false original or copy of the
12 signed and dated certification form described in section
13 135L.2, to be retained by the licensed physician or-to-be-sent
14 to-the-pregnant-minor's-attending-physician.

15 2. Knowingly tenders a false original or copy of the
16 notification document mailed to a parent, or grandparent, or
17 aunt-or-uncle of the pregnant minor under this chapter, a
18 false-original-or-copy-of-the-written-certification-to-be
19 provided-to-a-parent-of-a-pregnant-minor-pursuant-to-section
20 135B-5, or a false original or copy of the order waiving
21 notification relative to the performance of an abortion on a
22 pregnant minor.

23 Sec. 13. Section 135L.7, Code 1997, is amended to read as
24 follows:

25 135L.7 IMMUNITIES.

26 1. With the exception of the civil liability which may
27 apply to a grandparent or-aunt-or-uncle of a pregnant minor
28 who accepts notification under this chapter, a person is
29 immune from any liability, civil or criminal, for any act,
30 omission, or decision made in connection with a good faith
31 effort to comply with the provisions of this chapter.

32 2. This section shall not be construed to limit civil or
33 criminal liability of a person for any act, omission, or
34 decision made in relation to the performance of a medical
35 procedure on a pregnant minor.

1 Sec. 14. Section 135L.8, Code 1997, is amended to read as
2 follows:

3 135L.8 ADOPTION OF RULES -- IMPLEMENTATION AND DOCUMENTS.

4 The Iowa department of public health shall adopt rules to
5 implement the notification procedures pursuant to this chapter
6 including but not limited to rules regarding the documents
7 necessary for notification of a parent, or grandparent, or
8 aunt-or-uncle of a pregnant minor who is designated to receive
9 notification under this chapter.

10 Sec. 15. Section 600A.6, subsection 7, Code 1997, is
11 amended by striking the subsection.

12 Sec. 16. Section 602.8102, Code 1997, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 31. Destroy all records and files of a
15 court proceeding maintained under section 135L.3 in accordance
16 with section 135L.3, subsection 3, paragraph "o".

17 Sec. 17. Section 135L.5, Code 1997, is repealed.
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

S-3333

1 Amend House File 121, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 and 2 and

4 inserting the following:

5 "Section 1. Section 135L.1, subsections 3 and 6,
 6 Code 1997, are amended by striking the subsections."

7 2. Page 3, line 1, by striking the word "counsel"
 8 and inserting the following: "counsel,".

9 3. Page 3, by striking lines 9 through 27 and
 10 inserting the following: "subparagraph (2), Code

11 1997, is amended by striking the subparagraph."

12 4. Page 4, by striking lines 22 through 34.

13 5. Page 5, line 16, by striking the words "or
 14 grandparent" and inserting the following:

15 "grandparent".

16 6. Page 5, by striking lines 26 through 28 and
 17 inserting the following:

18 "~~1. With the exception of the civil liability~~
 19 ~~which may apply to a grandparent or aunt or uncle of a~~
 20 ~~pregnant minor who accepts notification under this~~
 21 ~~chapter, a A person is~~".

22 7. Page 6, line 7, by striking the words "or
 23 grandparent" and inserting the following:

24 "grandparent".

25 8. Page 6, by striking lines 12 through 16.

26 9. Title page, line 3, by inserting after the
 27 word "penalties" the following: "and providing for a
 28 repeal".

29 10. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
 NANCY BOETTGER, Chairperson

S-3333 FILED APRIL 2, 1997

A- Adopted 4/10/97 (p. 1116)

B- Lost " (p. 1117)

C- Adopted " "

HOUSE FILE 121

S-3468

1 Amend House File 121, as amended, passed, and
2 reprinted by the House, as follows:

-
- DIV 3 1. Page 1, by striking lines 1 and 2.
A 4 2. Page 3, by striking line 13 and inserting the
5 following: "grandparent or an aunt or uncle of the
6 pregnant minor in lieu".
7 3. Page 3, lines 16 and 17, by striking the words
8 "~~or-an-aunt-or-uncle~~" and inserting the following:
9 "or an aunt or uncle".
10 4. Page 3, by striking lines 21 through 24 and
11 inserting the following:
12 "(i) A declaration that informs the grandparent or
13 the aunt or uncle of the pregnant minor that the
14 grandparent or aunt or uncle of the pregnant minor may
15 be subject to civil action if the grandparent or aunt
16 or uncle accepts".
17 5. Page 3, line 26, by striking the words "~~or~~
18 ~~aunt-or-uncle~~" and inserting the following: "or aunt
19 or uncle".
20 6. Page 5, by striking lines 16 and 17 and
21 inserting the following: "notification document
22 mailed to a parent, grandparent, or aunt or uncle of
23 the pregnant minor under this chapter, a".
24 7. Page 5, line 27, by striking the words "~~or~~
25 ~~aunt-or-uncle~~" and inserting the following: "or aunt
26 or uncle".
-
- V27 8. Page 6, by striking lines 7 and 8 and
28 inserting the following: "necessary for notification
29 of the parent, grandparent, or aunt or uncle of a
30 pregnant minor who is designated to receive".
-

DIV31 9. By renumbering as necessary.

A

By ROD HALVORSON

S-3468 FILED APRIL 10, 1997

DIV A - LOST, DIV B - WITHDRAWN (P. 1117)

HOUSE FILE 121

S-3467

- 1 Amend the amendment S-3333, to House File 121 as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 3 through 6 and
5 inserting the following:
6 "____. Page 1, by striking lines 1 and 2."
7 2. Page 1, by striking lines 9 through 11 and
8 inserting the following:
9 "____. Page 3, by striking line 13 and inserting
10 the following: "grandparent or an aunt or uncle of
11 the pregnant minor in lieu".
12 _____. Page 3, lines 16 and 17, by striking the
13 words "~~or-an-aunt-or-uncle~~" and inserting the
14 following: "or an aunt or uncle".
15 _____. Page 3, by striking lines 21 through 24 and
16 inserting the following:
17 "(i) A declaration which informs the grandparent
18 or the aunt or uncle of the pregnant minor that the
19 grandparent or aunt or uncle of the pregnant minor may
20 be subject to civil action if the grandparent or aunt
21 or uncle accepts".
22 _____. Page 3, line 26, by striking the words "~~or~~
23 ~~aunt-or-uncle~~" and inserting the following: "or aunt
24 or uncle"."
25 3. Page 1, by striking lines 13 through 15 and
26 inserting the following:
27 "____. Page 5, by striking lines 16 and 17 and
28 inserting the following: "notification document
29 mailed to a parent, grandparent, or aunt or uncle of
30 the pregnant minor under this chapter, a"."
31 4. Page 1, by striking lines 16 through 21 and
32 inserting the following:
33 "____. Page 5, line 27, by striking the words "~~or~~
34 ~~aunt-or-uncle~~" and inserting the following: "or aunt
35 or uncle".
36 5. Page 1, by striking lines 22 through 24 and
37 inserting the following:
38 "____. Page 6, by striking lines 7 and 8 and
39 inserting the following: "necessary for notification
40 of a parent, grandparent, or aunt or uncle of a
41 pregnant minor who is designated to receive"."
42 6. By renumbering as necessary.

By ROD HALVORSON

S-3467 FILED APRIL 10, 1997

WITHDRAWN (P.1116)

HOUSE FILE 121

H-1719

1 Amend the Senate amendment, H-1691, to House File
2 121, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 5 and 6 and
5 inserting the following:

6 "_____. Page 4, line 26, by striking the words "six
7 months have" and inserting the following: "one year
8 has"."

9 2. By renumbering as necessary.

By DODERER of Johnson
METCALF of Polk

H-1719 FILED APRIL 15, 1997

Adopted 4-15-97

(P. 1252)

SENATE AMENDMENT TO HOUSE FILE 121

H-1691

1 Amend House File 121, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 1, by striking the word "counsel"
4 and inserting the following: "counsel".

5 2. Page 4, by striking lines 22 through 34.

6 3. Page 6, by striking lines 12 through 16.

7 4. Title page, line 3, by inserting after the
8 word "penalties" the following: "and providing for a
9 repeal".

10 5. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1691 FILED APRIL 14, 1997

House Concurred
4-15-97 (P. 1252)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 121

S-3530

1 Amend the Senate amendment, H-1691, to House File
2 121, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 5 and 6 and
5 inserting the following:

6 "_____. Page 4, line 26, by striking the words "six
7 months have" and inserting the following: "one year
8 has"."

9 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3530 FILED APRIL 16, 1997

Senate Concurred
4-23-97 (P. 1378)

HOUSE FILE 121

AN ACT

RELATING TO NOTIFICATION PROCEDURES PRIOR TO THE PERFORMANCE
OF AN ABORTION ON OR TERMINATION OF PARENTAL RIGHTS OF A
MINOR AND APPLICABLE PENALTIES AND PROVIDING FOR A REPEAL.

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

Section 1. Section 135L.1, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 2. Section 135L.2, subsections 3 and 6, Code 1997, are amended to read as follows:

3. During the initial appointment between a licensed physician ~~from whom a pregnant minor is seeking the performance of an abortion~~ and a pregnant minor, ~~a the licensed physician, who is providing medical services to a pregnant minor,~~ shall offer the viewing of the video and the written decision-making materials to the pregnant minor, and shall obtain the signed and dated certification form from the pregnant minor. ~~If the pregnant minor has previously been offered the viewing of the video and the written decision-~~

~~making materials by another source, the licensed physician shall obtain the completed certification form from the other source to verify that the pregnant minor has been offered the viewing of the video and the written decision-making materials.~~ A licensed physician shall not perform an abortion on a pregnant minor prior to obtaining the completed certification form from a pregnant minor.

6. Following the offering of the viewing of the video and of the written decision-making materials, the pregnant minor shall sign and date the certification form attached to the materials, and shall submit the completed form to the licensed physician ~~or provide the person making the offer with information to send the completed form to the pregnant minor's attending physician.~~ The person offering the viewing of the video and the decision-making materials licensed physician shall also provide a copy of the completed certification form to the pregnant minor.

Sec. 3. Section 135L.3, subsections 1 and 2, Code 1997, are amended to read as follows:

1. A person licensed physician shall not perform an abortion on a pregnant minor until at least forty-eight hours' prior notification is provided to a parent of the pregnant minor.

2. The person licensed physician who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to the a parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

Sec. 4. Section 135L.3, subsection 3, paragraph c, Code 1997, is amended to read as follows:

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and

notwithstanding section 232.147 or any other provision to the contrary, all court documents pertaining to the proceedings shall remain confidential and shall be sealed. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor, by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

Sec. 5. Section 135L.3, subsection 3, paragraph 1, Code 1997, is amended to read as follows:

1. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner. The rules shall require that the hearing on the petition shall be held and the court shall rule on the petition within forty-eight hours of the filing of the petition. If the court fails to hold the hearing and rule on the petition within forty-eight hours of the filing of the petition and an extension is not requested, the petition is deemed granted and waiver of the notification requirements is deemed authorized. The court shall immediately provide documentation to the pregnant minor and to the pregnant minor's legal counsel if the pregnant minor is represented by legal counsel, demonstrating that the petition is deemed granted and that waiver of the notification requirements is deemed authorized. Resolution of a petition for authorization of waiver of the notification requirement shall be completed within ten calendar days as calculated from the day after the filing of the petition to the day of issuance of any final decision on appeal.

Sec. 6. Section 135L.3, subsection 3, paragraph m, subparagraph (2), Code 1997, is amended to read as follows:

(2) (a) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent ~~or-an-aunt-or-uncle~~ of the pregnant minor in lieu

of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent ~~or-an-aunt-or-uncle~~ of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent ~~or-the aunt-or-uncle~~ of the pregnant minor that the grandparent ~~or aunt-or-uncle~~ of the pregnant minor may be subject to civil action if the grandparent ~~or-aunt-or-uncle~~ accepts notification.

(ii) A provision that the grandparent ~~or-aunt-or-uncle~~ of the pregnant minor may refuse acceptance of notification.

Sec. 7. Section 135L.3, subsection 3, paragraph m, subparagraph (3), Code 1997, is amended to read as follows:

(3) The pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion ~~in accordance with section-135B-5~~, and places the written certification in the medical file of the pregnant minor.

Sec. 8. Section 135L.3, subsection 3, paragraph m, subparagraph (4), Code 1997, is amended to read as follows:

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 and shall not release any information in response to a request for public records, discovery procedures, subpoena, or any other means, unless the release of information is expressly authorized by the pregnant minor regarding the pregnant minor's pregnancy and abortion,

if the abortion is obtained. A person who knowingly violates the confidentiality provisions of this subparagraph is guilty of a serious misdemeanor.

Sec. 9. Section 135L.3, subsection 3, paragraph n, Code 1997, is amended to read as follows:

n. A person licensed physician who knowingly performs an abortion in violation of this section is guilty of a serious misdemeanor.

Sec. 10. Section 135L.3, subsection 3, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. All records and files of a court proceeding maintained under this section shall be destroyed by the clerk of court when one year has elapsed from any of the following, as applicable:

(1) The date that the court issues an order waiving the notification requirements.

(2) The date after which the court denies the petition for waiver of notification and the decision is not appealed.

(3) The date after which the court denies the petition for waiver of notification, the decision is appealed, and all appeals are exhausted.

Sec. 11. Section 135L.3, subsection 3, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. A person who knowingly violates the confidentiality requirements of this section relating to court proceedings and documents is guilty of a serious misdemeanor.

Sec. 12. Section 135L.6, Code 1997, is amended to read as follows:

135L.6 FRAUDULENT PRACTICE.

A person who does any of the following is guilty of a fraudulent practice in the fourth degree pursuant to section 714.12:

1. Knowingly tenders a false original or copy of the signed and dated certification form described in section 135L.2, to be retained by the licensed physician ~~or to be sent to the pregnant minor's attending physician.~~

2. Knowingly tenders a false original or copy of the notification document mailed to a parent, ~~or grandparent, or aunt or uncle~~ of the pregnant minor under this chapter, ~~a false original or copy of the written certification to be provided to a parent of a pregnant minor pursuant to section 135L.5,~~ or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor.

Sec. 13. Section 135L.7, Code 1997, is amended to read as follows:

135L.7 IMMUNITIES.

1. With the exception of the civil liability which may apply to a grandparent ~~or aunt or uncle~~ of a pregnant minor who accepts notification under this chapter, a person is immune from any liability, civil or criminal, for any act, omission, or decision made in connection with a good faith effort to comply with the provisions of this chapter.

2. This section shall not be construed to limit civil ~~or criminal~~ liability of a person for any act, omission, or decision made in relation to the performance of a medical procedure on a pregnant minor.

Sec. 14. Section 135L.8, Code 1997, is amended to read as follows:

135L.8 ADOPTION OF RULES -- IMPLEMENTATION AND DOCUMENTS.

The Iowa department of public health shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent, ~~or grandparent, or aunt or uncle~~ of a pregnant minor who is designated to receive notification under this chapter.

Sec. 15. Section 600A.6, subsection 7, Code 1997, is amended by striking the subsection.

Sec. 16. Section 602.8102, Code 1997, is amended by adding the following new subsection:

House File 121, p. 7

NEW SUBSECTION. 31. Destroy all records and files of a court proceeding maintained under section 135L.3 in accordance with section 135L.3, subsection 3, paragraph "o".

Sec. 17. Section 135L.5, Code 1997, is repealed.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 121, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 21, 1997

TERRY E. BRANSTAD
Governor