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HUMAN RESOURCES

HOUSE FILE 2229
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THOMSON, and VAN ENGELENHOVEN

Passed House, Date ^(P. 797) 3/15/00 Passed Senate, Date ^(P. 906) 3/28/00
Vote: Ayes 68 Nays 30 Vote: Ayes 28 Nays 22
~~Approved~~ vetoed April 7, 2000

A BILL FOR

1 An Act relating to informed consent provisions relating to an
2 abortion and providing civil remedies and criminal penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2229

1 Section 1. NEW SECTION. 146A.1 TITLE.

2 This chapter shall be known and may be cited as the
3 "Woman's Right to Know Act".

4 Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "Abortion" means abortion as defined in section 146.1.

8 2. "Attempt to perform an unlawful abortion" means an act,
9 or an omission of an act required by law, that constitutes a
10 substantial step in a course of conduct intended to culminate
11 in the performance of an abortion in violation of this
12 chapter.

13 3. "Department" means the Iowa department of public
14 health.

15 4. "Medical emergency" means any condition which, on the
16 basis of a physician's good faith clinical judgment, so
17 complicates the medical condition of a pregnant woman as to
18 necessitate the immediate performance of an abortion to avert
19 the pregnant woman's death, or to necessitate the immediate
20 performance of an abortion to avert a serious risk of
21 substantial and irreversible impairment of a major bodily
22 function if the performance of the abortion is delayed.

23 5. "Physician" means a person licensed to practice
24 medicine and surgery pursuant to chapter 148 or osteopathic
25 medicine and surgery pursuant to chapter 150A.

26 6. "Probable gestational age of the unborn child" means,
27 in the judgment of a physician, the reasonably probable
28 gestational age of the unborn child at the time an abortion is
29 planned to be performed.

30 Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND INFORMED
31 CONSENT.

32 An abortion shall not be performed in this state without
33 the voluntary and informed consent of the patient upon whom
34 the abortion is to be performed. Except in the case of a
35 medical emergency, consent to an abortion is voluntary and

1 cause to be published, in English and in each language that is
2 the primary language of at least two percent of the state's
3 population, all of the following printed materials in such a
4 way as to ensure that the information is easily
5 comprehensible:

6 a. Geographically indexed materials designed to inform the
7 patient of public and private agencies and services available
8 to assist a patient through pregnancy, at the time of
9 childbirth, and while the child is dependent, including
10 adoption agencies. The materials shall include a
11 comprehensive list of the agencies available, a description of
12 the services offered, and a description of the manner,
13 including telephone numbers, in which the agencies may be
14 contacted. Additionally or alternatively, at the discretion
15 of the department, the department may provide the information
16 in the printed materials orally, including by a toll-free,
17 twenty-four-hours-a-day telephone number which may be called
18 to obtain, orally, a list and description of agencies in the
19 locality of the caller and of the services offered.

20 b. Materials designed to inform the patient of the
21 probable anatomical and physiological characteristics of the
22 unborn child at two-week gestational increments from the time
23 that it is medically possible to make a determination of a
24 pregnancy to full term. The materials shall include any
25 relevant information regarding the possibility of the survival
26 of the unborn child and pictures or drawings representing the
27 development of the unborn child at two-week gestational
28 increments, provided that any pictures or drawings shall
29 contain the dimensions of the unborn child and shall be
30 realistic and appropriate for the state of pregnancy depicted.
31 The materials shall be objective, nonjudgmental, and designed
32 to convey only accurate scientific information about the
33 unborn child at various gestational stages. The materials
34 shall also contain objective information describing the
35 methods of abortion procedures commonly used, the medical

1 risks commonly associated with each such procedure, the
2 possible detrimental psychological effects of abortion, and
3 the medical risks commonly associated with carrying an unborn
4 child to term.

5 2. The materials referred to in subsection 1 shall be
6 printed in a typeface large enough to be clearly legible.

7 3. The materials required under this section shall be
8 available from the department at no cost, upon request, and in
9 appropriate number to any person.

10 Sec. 5. NEW SECTION. 146A.5 PROCEDURE IN CASE OF MEDICAL
11 EMERGENCY.

12 If a medical emergency necessitates the performance of an
13 abortion, the physician shall inform the patient, prior to the
14 performance of the abortion, if possible, of the medical
15 indications supporting the physician's judgment that the
16 immediate performance of an abortion is necessary to avert the
17 patient's death or that a twenty-four-hour delay in the
18 performance of an abortion will create serious risk of
19 substantial and irreversible impairment of a major bodily
20 function.

21 Sec. 6. NEW SECTION. 146A.6 REPORTING REQUIREMENTS.

22 1. On or before October 1, 2000, the department shall
23 prepare a reporting form for physicians containing a reprint
24 of this chapter and requiring the physician to provide all of
25 the following information:

26 a. The number of patients to whom the physician provided
27 the information described in section 146A.3, subsection 1; and
28 of that number, the number of patients provided with
29 information by telephone and the number of patients provided
30 with information in person; and of each of those numbers, the
31 number of patients provided with information by a referring
32 physician and the number of patients provided with information
33 by a physician who is to perform the abortion.

34 b. The number of patients to whom the physician or an
35 agent of the physician provided the information described in

1 section 146A.3, subsection 2; of that number, the number of
2 patients provided with information by telephone and the number
3 of patients provided with information in person; of each of
4 those numbers, the number of patients provided with
5 information by or through a referring physician and the number
6 of patients provided information by or through a physician who
7 is to perform the abortion; and of each of those numbers, the
8 number of patients provided with information by the physician
9 and the number of patients provided with information by an
10 agent of the physician.

11 c. The number of patients who took advantage of the
12 opportunity to obtain a copy of the printed information
13 described in section 146A.4 and the number who did not; and of
14 each of those numbers, the number of patients who, to the best
15 of the reporting physician's information and belief, obtained
16 the abortion.

17 d. The number of abortions performed by a physician in
18 which the information otherwise required to be provided at
19 least twenty-four hours before the abortion is performed, was
20 not provided because the immediate performance of an abortion
21 was necessary to avert the patient's death, and the number of
22 abortions in which the information was not provided because a
23 delay in the performance of the abortion would create a
24 serious risk of substantial and irreversible impairment of a
25 major bodily function.

26 2. The department shall ensure that copies of the
27 reporting forms described in subsection 1 are provided as
28 follows:

29 a. Initially, by November 1, 2000, to all physicians
30 licensed to practice in Iowa.

31 b. To each physician who subsequently becomes newly
32 licensed to practice in this state at the time that the
33 physician is officially notified of licensure.

34 c. By December 1 of each year, beginning in the year 2001,
35 to all physicians licensed to practice in Iowa.

1 3. By February 28 of each year, beginning in the year
2 2001, each physician who provided, or whose agent provided,
3 information to one or more patients in accordance with section
4 146A.3 during the previous calendar year shall submit to the
5 department a copy of the form described in subsection 1 with
6 the required data entered accurately and completely.

7 4. Reports that are submitted more than thirty days
8 following the due date are subject to a late fee of five
9 hundred dollars for each thirty-day period or portion of a
10 thirty-day period overdue. A physician required to report in
11 accordance with this section who has not submitted a report,
12 or has submitted an incomplete report, more than one year
13 following the due date, may, in an action brought by the
14 department, be directed by a court of competent jurisdiction
15 to submit a complete report within a period stated by court
16 order or be subject to contempt of court.

17 5. By June 30 of each year the department shall issue a
18 public report providing statistics for the previous calendar
19 year, compiled from all of the reports covering that year
20 submitted in accordance with this section, for each of the
21 items listed in subsection 1. Each report shall also provide
22 the statistics for all previous calendar years, adjusted to
23 reflect any additional information from late or corrected
24 reports. The department shall ensure that the information
25 included in the public reports cannot reasonably lead to the
26 identification of any individual who provided information in
27 accordance with this section.

28 6. The department may adopt rules pursuant to chapter 17A
29 to alter the reporting dates established under subsection 2,
30 3, or 5, or may consolidate the forms or reports described in
31 this section with other forms or reports to achieve
32 administrative convenience or fiscal savings or to reduce the
33 burden of reporting requirements, if the reporting forms are
34 sent to all licensed physicians in this state at least once
35 every year and the report described in subsection 5 is issued

1 at least once every year.

2 Sec. 7. NEW SECTION. 146A.7 CRIMINAL PENALTIES.

3 1. A person who knowingly or recklessly performs or
4 attempts to perform an abortion in violation of this chapter
5 is guilty of a class "C" felony.

6 2. A physician who knowingly or recklessly submits a false
7 report under section 146A.6, subsection 3, is guilty of a
8 simple misdemeanor.

9 3. A penalty shall not be assessed against the patient
10 upon whom the abortion is performed or attempted to be
11 performed. A penalty or civil liability shall not be assessed
12 for failure of the patient to comply with section 146A.3,
13 subsection 2, paragraph "b", or with the requirement of
14 written certification pursuant to section 146A.3, subsection
15 3, if the department has not made the printed materials
16 available at the time the physician or the physician's agent
17 is required to inform the patient of the patient's right to
18 review the materials.

19 Sec. 8. NEW SECTION. 146A.8 CIVIL REMEDIES.

20 1. A person upon whom an abortion that does not comply
21 with this chapter has been performed or the putative father
22 may maintain an action against the person who performed the
23 abortion in knowing or reckless violation of this chapter for
24 actual and punitive damages. A person upon whom an abortion
25 that does not comply with this chapter has been attempted may
26 maintain an action against the person who attempted to perform
27 the abortion in knowing or reckless violation of this chapter
28 for actual and punitive damages.

29 2. If the department fails to issue the public report
30 required by section 146A.6, subsection 5, any group of ten or
31 more citizens may seek an injunction in a court of competent
32 jurisdiction against the director of public health requiring
33 that a complete report be issued within a period stated by
34 court order. Failure to abide by such an injunction shall
35 subject the director of public health to contempt of court.

1 3. If judgment is rendered in favor of the plaintiff in
2 any civil action described in this section, the judgment shall
3 include payment of reasonable attorney fees in favor of the
4 plaintiff. If judgment is rendered in favor of the respondent
5 and the court finds that the plaintiff's suit was frivolous
6 and brought in bad faith, the judgment shall include payment
7 of reasonable attorney fees in favor of the respondent.

8 Sec. 9. NEW SECTION. 146A.9 PROTECTION OF PRIVACY IN
9 COURT PROCEEDINGS.

10 1. In every civil or criminal proceeding or action brought
11 pursuant to this chapter, the court shall rule whether the
12 identity of a patient upon whom an abortion has been performed
13 or attempted shall be preserved from public disclosure if the
14 patient does not provide consent to disclosure.

15 2. The court, upon motion or sua sponte, shall make such a
16 ruling, and, upon determining that the patient's identity
17 should be preserved, shall issue orders to the parties,
18 witnesses, and counsel and shall direct the sealing of the
19 record and exclusion of individuals from courtrooms or hearing
20 rooms to the extent necessary to safeguard the patient's
21 identity from public disclosure.

22 3. An order shall be accompanied by specific written
23 findings explaining why the identity of the patient should be
24 preserved from public disclosure, why the order is essential,
25 how the order is narrowly tailored to serve that interest, and
26 why a reasonable, less restrictive alternative does not exist.

27 4. In the absence of written consent of the patient upon
28 whom an abortion has been performed or attempted, a person,
29 other than a public official, who brings an action under
30 section 146A.8, subsection 1, shall do so under a pseudonym.

31 5. This section shall not be construed to conceal the
32 identity of the plaintiff or of witnesses from the defendant
33 or respondent.

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EXPLANATION

35 This bill establishes a new Code chapter 146A, relating to

1 informed consent prior to an abortion.

2 Code section 146A.1 provides that the chapter shall be
3 known and may be cited as the "Woman's Right to Know Act".

4 Code section 146A.2 provides definitions necessary to the
5 chapter.

6 Code section 146A.3 specifies the required informed consent
7 provisions, including provision of certain information to a
8 patient by the physician, provision of certain information
9 which may be provided by an agent of the physician, required
10 certification by the patient of provision to the patient of
11 the required information and the patient's certification of
12 being informed of the opportunity to review the information,
13 and receipt of the certification by the physician prior to the
14 performance of an abortion.

15 Code section 146A.4 requires the Iowa department of public
16 health to publish certain information relating to options for
17 managing a pregnancy.

18 Code section 146A.5 provides for alternatives to providing
19 informed consent as required by the chapter in the case of a
20 medical emergency.

21 Code section 146A.6 requires the Iowa department of public
22 health to develop a reporting form for certain information
23 relating to the informed consent. The bill specifies when and
24 to whom the report forms are to be provided, provides for
25 payment of a late fee based upon the time of the submission of
26 completed reports by physicians, requires the department to
27 publish an annual report of a compilation of the information
28 reported, and authorizes the department to adopt rules to
29 change any of the due dates for reporting requirements under
30 the section.

31 Code section 146A.7 provides criminal and civil penalties.
32 The bill establishes a criminal penalty of a class "C" felony
33 for a person who knowingly or recklessly performs or attempts
34 to perform an abortion in violation of the chapter. A class
35 "C" felony is punishable by confinement for not more than 10

1 years and in addition may include a fine of at least \$1,000
2 but not more than \$10,000. The bill prohibits the assessment
3 of a civil penalty against the patient. The bill also
4 prohibits the assessment of a civil penalty against a person
5 for failure to comply with certification requirements if the
6 department has not made the printed materials available as
7 required.

8 Code section 146A.8 provides civil remedies in an action
9 against a person, if the person performed or attempted to
10 perform an abortion that did not comply with the chapter, in
11 knowing or reckless violation of the chapter. Civil remedies
12 include actual and punitive damages.

13 Code section 146A.9 provides for protection of privacy of
14 court proceedings relating to an action under the chapter.

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HOUSE FILE 2229

H-8162

1 Amend House File 2229 as follows:

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

4 "Section 1. NEW SECTION. 146A.1 TITLE.

5 This chapter shall be known and may be cited as the
6 "Woman's Right to Know Act".

7 Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.

8 As used in this chapter, unless the context
9 otherwise requires:

10 1. "Abortion" means abortion as defined in section
11 146.1.

12 2. "Attempt to perform an unlawful abortion" means
13 an act, or an omission of an act required by law, that
14 constitutes a substantial step in a course of conduct
15 intended to culminate in the performance of an
16 abortion in violation of this chapter.

17 3. "Department" means the Iowa department of
18 public health.

19 4. "Medical emergency" means any condition which,
20 on the basis of a physician's good faith clinical
21 judgment, so complicates the medical condition of a
22 pregnant woman as to necessitate the immediate
23 performance of an abortion to avert the pregnant
24 woman's death, or to necessitate the immediate
25 performance of an abortion to avert a serious risk of
26 substantial and irreversible impairment of a major
27 bodily function if the performance of the abortion is
28 delayed.

29 5. "Physician" means a person licensed to practice
30 medicine and surgery pursuant to chapter 148 or
31 osteopathic medicine and surgery pursuant to chapter
32 150A.

33 Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND
34 INFORMED CONSENT.

35 1. An abortion shall not be performed in this
36 state without the voluntary and informed consent of
37 the patient upon whom the abortion is to be performed.
38 Except in the case of a medical emergency, consent to
39 an abortion is voluntary and informed only if the
40 requirements of this section are met.

41 2. The referring physician, the physician who will
42 perform the abortion, or an agent of either physician
43 shall provide all of the following information to the
44 patient by telephone, by audiotape, or in person, at
45 least twenty-four hours before the abortion:

46 a. Information that medical assistance benefits
47 may be available to the patient for prenatal care,
48 childbirth, and neonatal care.

49 b. Information that the putative father is liable
50 to assist in the support of the child, even if the

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1 putative father has offered to pay for the abortion.

2 c. Information that the patient has the right to
3 review the printed materials described in subsection
4 3.

5 3. After being informed of the patient's right to
6 review printed materials pursuant to subsection 2, if
7 the patient wishes to review the materials, the
8 materials shall be provided to the patient at least
9 twenty-four hours before the abortion is performed.
10 The physician or the physician's agent shall orally
11 inform the patient that the materials have been
12 provided by the state and that they describe the
13 unborn child and list agencies that offer alternatives
14 to abortion. The printed materials shall include all
15 of the following:

16 a. Geographically indexed materials designed to
17 inform the patient of public and private agencies and
18 services available to assist a patient through
19 pregnancy, at the time of childbirth, and while the
20 child is dependent, including adoption agencies. The
21 materials shall include a comprehensive list of the
22 agencies available, a description of the services
23 offered, and a description of the manner, including
24 telephone numbers, in which the agencies may be
25 contacted. The department may also provide a toll-
26 free, twenty-four-hour-a-day telephone number which
27 may be called to obtain, orally, a list and
28 description of agencies in the locality of the caller
29 and of the services offered.

30 b. Materials designed to inform the patient of the
31 probable anatomical and physiological characteristics
32 of the unborn child at two-week gestational increments
33 from the time that it is medically possible to make a
34 determination of pregnancy to full term. The
35 materials shall include any relevant information
36 regarding the possibility of the survival of the
37 unborn child and pictures or drawings representing the
38 development of the unborn child at two-week
39 gestational increments, provided that any pictures or
40 drawings shall contain the dimensions of the unborn
41 child and shall be realistic and appropriate for the
42 state of pregnancy depicted. The materials shall be
43 objective, nonjudgmental, and designed to convey only
44 accurate scientific information about the unborn child
45 at various gestational stages. The materials shall
46 also contain objective information describing the
47 methods of abortion procedures commonly used, the
48 medical risks commonly associated with each such
49 procedure, the possible detrimental psychological
50 effects of abortion, and the medical risks commonly

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1 associated with carrying an unborn child to term.
2 4. The referring physician, the physician who is
3 to perform the abortion, or the agent of either
4 physician, who provides the information and printed
5 materials pursuant to subsections 2 and 3, shall
6 obtain written certification from the patient that the
7 information required pursuant to subsection 2 was
8 provided, and that, if the patient wished to review
9 the printed materials described in subsection 3, the
10 printed materials were provided. The referring
11 physician, the physician who is to perform the
12 abortion, or the agent of either physician, who
13 obtains the written certification under this
14 subsection shall retain a copy of the certification
15 and shall provide a copy of the certification to the
16 patient. A physician shall not perform an abortion on
17 a patient prior to obtaining the completed
18 certification form from the patient.

19 5. On or before October 1, 2000, the department
20 shall cause the information referred to in subsections
21 2 and 3 to be published or accessible, as required and
22 as applicable, in printed and audiotaped formats. The
23 information shall be provided in an easily
24 comprehensible manner. The printed information shall
25 be published in a typeface large enough to be clearly
26 legible. The printed and audiotaped information shall
27 be available from the department at no cost, upon
28 request, and in an appropriate number, to any person.

29 Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF
30 MEDICAL EMERGENCY.

31 If a medical emergency necessitates the performance
32 of an abortion, the physician shall inform the
33 patient, prior to the performance of the abortion, if
34 possible, of the medical indications supporting the
35 physician's judgment that the immediate performance of
36 an abortion is necessary to avert the patient's death
37 or that a twenty-four-hour delay in the performance of
38 an abortion will create serious risk of substantial
39 and irreversible impairment of a major bodily
40 function.

41 Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

42 1. A person who knowingly or recklessly performs
43 or attempts to perform an abortion in violation of
44 this chapter is guilty of a serious misdemeanor.

45 2. A penalty shall not be assessed under this
46 chapter against the patient upon whom the abortion is
47 performed or attempted to be performed. A penalty
48 shall not be assessed for failure of a patient to
49 comply with the requirement of written certification
50 pursuant to section 146A.3, if the department has not

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Page 4

1 made the information available at the time the
 2 physician or the physician's agent is required to
 3 inform the patient of the patient's right to review
 4 the information.
 5 Sec. 6. NEW SECTION. 146A.6 PROTECTION OF
 6 PRIVACY IN COURT PROCEEDINGS -- PENALTY.
 7 1. In every criminal proceeding brought pursuant
 8 to this chapter, the court proceedings shall be
 9 conducted in a manner which protects the
 10 confidentiality of the patient, and all court
 11 documents pertaining to the proceedings shall remain
 12 confidential and shall be sealed. The court shall
 13 direct the exclusion of individuals from courtrooms or
 14 hearing rooms to the extent necessary to safeguard the
 15 patient's identity from public disclosure.
 16 2. This section shall not be construed to conceal
 17 the identity of witnesses from the defendant.
 18 3. A person who knowingly violates the
 19 confidentiality requirements of this section relating
 20 to court proceedings and documents is guilty of a
 21 serious misdemeanor."
 22 2. Title page, line 2, by striking the words
 23 "civil remedies and".

By MERTZ of Kossuth
BODDICKER of Cedar

H-8162 FILED MARCH 2, 2000

Adopted
3-15-00
(p. 796)

HOUSE FILE 2229

H-8051

1 Amend House File 2229 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 146A.1 TITLE.
 5 This chapter shall be known and may be cited as the
 6 "Woman's Right to Know Act".
 7 Sec. 2. NEW SECTION. 146A.2 VOLUNTARY AND
 8 INFORMED CONSENT.
 9 An abortion shall not be performed in this state
 10 without the voluntary and informed consent of the
 11 patient upon whom the abortion is to be performed."
 12 2. Title page, by striking line 2 and inserting
 13 the following: "abortion."

By COMMITTEE ON HUMAN RESOURCES
BODDICKER of Cedar, Chairperson

H-8051 FILED FEBRUARY 22, 2000

Last *3/15/00* *(p. 784)*

HOUSE FILE 2229

H-8204

- 1 Amend the amendment, H-8162, to House File 2229 as
2 follows:
3 1. Page 1, lines 44 and 45, by striking the words
4 "at least twenty-four hours".
5 2. Page 2, lines 8 and 9, by striking the words
6 "at least twenty-four hours".
7 3. Page 3, line 37, by striking the word "twenty-
8 four-hour".

By WISE of Lee

H-8204 FILED MARCH 7, 2000

lost
3/15/00 (p. 791)

HOUSE FILE 2229

H-8207

- 1 Amend the amendment, H-8162, to House File 2229 as
2 follows:
3 1. Page 1, by striking lines 12 through 16.
4 2. Page 3, line 43, by striking the words "or
5 attempts to perform".
6 3. Page 3, line 47, by striking the words "or
7 attempted to be performed".

By FOEGE of Linn

H-8207 FILED MARCH 7, 2000

lost
3/15/00 (p. 788)

HOUSE FILE 2229

H-8208

- 1 Amend the amendment, H-8162, to House File 2229 as
2 follows:
3 1. By striking page 3, line 41 through page 4,
4 line 21.
5 2. Page 4, by striking line 23, and inserting the
6 following: "and providing civil remedies and
7 criminal penalties".

By MASCHER of Johnson

H-8208 FILED MARCH 7, 2000

lost 3-15-00
(p. 794)

HOUSE FILE 2229

H-8251

- 1 Amend the amendment, H-8162, to House File 2229, as
2 follows:
3 1. Page 3, line 19, by striking the word "On" and
4 inserting the following: "If the general assembly
5 appropriates funding specifically for the purpose of
6 providing the written information referred to in
7 subsection 3, then, on".

By GRUNDBERG of Polk
METCALF of Polk

MARTIN of Scott
NELSON-FORBES of Marshall

H-8251 FILED MARCH 7, 2000

lost
3/15/00
(p. 794)

HOUSE FILE 2229

H-8209

1 Amend the amendment, H-8162, to House File 2229 as
 2 follows:
 3 1. Page 2, line 15, by inserting after the word
 4 "following" the following: "which shall be based upon
 5 the most recent information published by the American
 6 college of obstetrics and gynecology".

By MASCHER of Johnson

H-8209 FILED MARCH 7, 2000

Lost
 3-15-00
 (p. 793)

HOUSE FILE 2229

H-8210

1 Amend the amendment, H-8162, to House File 2229 as
 2 follows:
 3 1. Page 2, line 13, by striking the words "unborn
 4 child" and inserting the following: "fetus".
 5 2. Page 2, line 32, by striking the words "unborn
 6 child" and inserting the following: "fetus".
 7 3. Page 2, line 37, by striking the words "unborn
 8 child" and inserting the following: "fetus".
 9 4. Page 2, line 38, by striking the words "unborn
 10 child" and inserting the following: "fetus".
 11 5. Page 2, lines 40 and 41, by striking the words
 12 "unborn child" and inserting the following: "fetus".
 13 6. Page 2, line 44, by striking the words "unborn
 14 child" and inserting the following: "fetus".
 15 7. Page 3, line 1, by striking the words "unborn
 16 child" and inserting the following: "fetus".

By FOEGE of Linn

H-8210 FILED MARCH 7, 2000

Lost
 3-15-00 (p. 793)

HOUSE FILE 2229

H-8211

1 Amend the amendment, H-8162, to House file 2229 as
 2 follows:
 3 1. Page 1, by striking line 6, and inserting the
 4 following:
 5 ""State Mandated Information and Waiting Period for
 6 Abortion Act".
 7 2. Page 4, by striking lines 22 and 23, and
 8 inserting the following:
 9 "____. Title page, by striking lines 1 and 2, and
 10 inserting the following: "An Act relating to state
 11 mandated information and a waiting period relating to
 12 an abortion, and providing criminal penalties.""

By FOEGE of Linn

H-8211 FILED MARCH 7, 2000

Lost
 3/15/00
 (p. 788)

HOUSE FILE 2229

H-8252

- 1 Amend the amendment, H-8162, to House File 2229 as
- 2 follows:
- 3 1. Page 1, line 37, by striking the word
- 4 "patient" and inserting the following: "woman".
- 5 2. Page 1, line 44 by striking the word "patient"
- 6 and inserting the following: "woman".
- 7 3. Page 1, line 47, by striking the word
- 8 "patient" and inserting the following: "woman".
- 9 4. Page 2, line 2 by striking the word "patient"
- 10 and inserting the following: "woman".
- 11 5. Page 2, line 5, by striking the word
- 12 "patient's" and inserting the following: "woman's".
- 13 6. Page 2, line 7, by striking the word "patient"
- 14 and inserting the following: "woman".
- 15 7. Page 2, line 8, by striking the word "patient"
- 16 and inserting the following: "woman".
- 17 8. Page 2, line 11, by striking the word
- 18 "patient" and inserting the following: "woman".
- 19 9. Page 2, line 17, by striking the word
- 20 "patient" and inserting the following: "woman".
- 21 10. Page 2, line 18 by striking the word
- 22 "patient" and inserting the following: "woman".
- 23 11. Page 2, line 30, by striking the word
- 24 "patient" and inserting the following: "woman".
- 25 12. Page 3, line 6 by striking the word "patient"
- 26 and inserting the following: "woman".
- 27 13. Page 3, line 8, by striking the word
- 28 "patient" and inserting the following: "woman".
- 29 14. Page 3, line 16 by striking the word
- 30 "patient" and inserting the following: "woman".
- 31 15. Page 3, line 17, by striking the word
- 32 "patient" and inserting the following: "woman".
- 33 16. Page 3, line 18, by striking the word
- 34 "patient" and inserting the following: "woman".
- 35 17. Page 3, line 33 by striking the word
- 36 "patient" and inserting the following: "woman".
- 37 18. Page 3, line 36, by striking the word
- 38 "patient's" and inserting the following: "woman's".
- 39 19. Page 3, line 46, by striking the word
- 40 "patient" and inserting the following: "woman".
- 41 20. Page 3, line 48, by striking the word
- 42 "patient" and inserting the following: "woman".
- 43 21. Page 4, by striking line 3, and inserting the
- 44 following: "inform the woman of the woman's right to
- 45 review".
- 46 22. Page 4, line 10, by striking the word
- 47 "patient" and inserting the following: "woman".
- 48 23. Page 4, line 15, by striking the word
- 49 "patient's" and inserting the following: "woman's".

By GRUNDBERG of Polk METCALF of Polk
 NELSON-FORBES of Marshall MARTIN of Scott

H-8252 FILED MARCH 7, 2000

Adopted
3/15/00 (P. 791)

Lines 27+28 out of order with adoption of 8354

0/0
(P. 792)

HOUSE FILE 2229

H-8216

- 1 Amend the amendment, H-8162, to House File 2229 as
- 2 follows:
- 3 1. Page 1, by striking lines 12 through 18.
- 4 2. By striking page 1, line 35 through page 3,
- 5 line 28 and inserting the following:
- 6 "Except in the case of a medical emergency, an
- 7 abortion shall not be performed in this state without
- 8 the voluntary and informed consent of the patient upon
- 9 whom the abortion is to be performed."
- 10 3. By striking page 3, line 47 through page 4,
- 11 line 4, and inserting the following: "performed or
- 12 attempted to be performed."

By WISE of Lee

H-8216 FILED MARCH 7, 2000

*W/D
3/15/00
(p. 789)*

HOUSE FILE 2229

H-8221

- 1 Amend the amendment, H-8162, to House File 2229 as
- 2 follows:
- 3 1. Page 1, by striking lines 17 and 18.
- 4 2. By striking page 1, line 35 through page 3,
- 5 line 28 and inserting the following:
- 6 "Except in the case of a medical emergency, an
- 7 abortion shall not be performed in this state without
- 8 the voluntary and informed consent of the patient upon
- 9 whom the abortion is to be performed."
- 10 3. By striking page 3, line 47 through page 4,
- 11 line 4, and inserting the following: "performed or
- 12 attempted to be performed."

By WISE of Lee

H-8221 FILED MARCH 7, 2000

*Last 3/15/00
(p. 789)*

HOUSE FILE 2229

H-8231

- 1 Amend the amendment, H-8162, to House File 2229 as
- 2 follows:
- 3 1. By striking page 1, line 49 through page 2,
- 4 line 1.
- 5 2. By renumbering as necessary.

By GREIMANN of Story

H-8231 FILED MARCH 7, 2000

*W/D
3/15/00
(p. 791)*

HOUSE FILE 2229

H-8254

1 Amend the amendment, H-8162, to House File 2229 as
2 follows:
3 1. Page 4, by inserting after line 21, the
4 following:
5 "Sec. ____ . EFFECTIVE DATE. This Act takes effect
6 October 1, 2000."
7 2. Page 4, by inserting after line 23 the
8 following:
9 " ____ . Title page, line 2, by inserting after the
10 word "penalties" the following: ", and providing an
11 effective date".
By GRUNDBERG of Polk METCALF of Polk
MARTIN of Scott NELSON-FORBES of Marshall
H-8254 FILED MARCH 8, 2000

adopted
3-15-00 (p 795)

HOUSE FILE 2229

H-8303

1 Amend the amendment, H-8162, to House File 2229 as
2 follows:
3 1. Page 2, by inserting after line 4, the
4 following:
5 "d. Information that the patient may be eligible
6 for medical assistance benefits to cover the costs of
7 an abortion under certain circumstances."
By DODERER of Johnson

H-8303 FILED MARCH 9, 2000

adopted 3-15-00 (p 792)

HOUSE FILE 2229

H-8354

1 Amend the amendment, H-8162, to House File 2229, as
2 follows:

3 1. Page 2, line 9, by inserting after the word
4 "performed" the following: "or shall be mailed to the
5 patient by regular mail or by restricted certified
6 mail, as defined in section 618.15, as requested by
7 the patient".

8 2. Page 2, by striking line 22 and inserting the
9 following: "agencies available, categorized by the
10 type of services".

11 3. Page 3, by striking lines 8 through 10 and
12 inserting the following: "provided. The referring".

13 4. Page 3, by striking lines 19 through 28, and
14 inserting the following:

15 "5. On or before October 1, 2000, the department
16 shall cause the information referred to in subsection
17 2 to be published in printed format. The information
18 shall be provided in an easily comprehensible manner.
19 The information shall be published in a typeface large
20 enough to be clearly legible. The printed information
21 shall be available from the department at no cost,
22 upon request, and in an appropriate number, to any
23 person."

By BODDICKER of Cedar

H-8354 FILED MARCH 14, 2000

Adopted
3/15/00 (P 792)

HOUSE FILE 2229

H-8312

- 1 Amend House File 2229 as follows:
- 2 1. Page 1, by striking lines 2 and 3, and
- 3 inserting the following:
- 4 "This chapter shall be known and may be cited as
- 5 the "State Mandated Information and Waiting Period for
- 6 Abortion Act"."
- 7 2. Title page, by striking lines 1 and 2, and
- 8 inserting the following: "An Act relating to state
- 9 mandated information and a waiting period relating to
- 10 an abortion, and providing penalties."

By FOEGE of Linn

H-8312 FILED MARCH 13, 2000

o/o
3/15/00 (p. 797)

HOUSE FILE 2229

H-8313

- 1 Amend the amendment, H-8051, to House File 2229 as
- 2 follows:
- 3 1. Page 1, by striking line 6, and inserting the
- 4 following: ""State Mandated Information and Waiting
- 5 Period for Abortion Act"."
- 6 2. Page 1, by striking lines 12 and 13, and
- 7 inserting the following:
- 8 "____. Title page, by striking lines 1 and 2 and
- 9 inserting the following: "An Act relating to state
- 10 mandated information and a waiting period relating to
- 11 an abortion.""

By FOEGE of Linn

H-8313 FILED MARCH 13, 2000

W/D
3-15-00 (p. 784)

HOUSE FILE 2229

H-8314

- 1 Amend House File 2229 as follows:
- 2 1. Page 3, by inserting after line 19, the
- 3 following:
- 4 "d. Information that the patient may be eligible
- 5 for medical assistance benefits to cover the costs of
- 6 an abortion under certain circumstances."

By DODERER of Johnson

H-8314 FILED MARCH 13, 2000

o/o
3/15/00 (p. 797)

HOUSE FILE 2229

H-8317

- 1 Amend House File 2229 as follows:
- 2 1. Page 3, by striking lines 6 through 8.
- 3 2. By renumbering as necessary.

By GREIMANN of Story

H-8317 FILED MARCH 13, 2000

o/o
3/15/00
(p. 797)

HOUSE FILE 2229

H-8318

- 1 Amend House File 2229 as follows:
- 2 1. Page 1, by striking lines 8 through 12.
- 3 2. Page 8, lines 3 and 4, by striking the words
- 4 "or attempts to perform".
- 5 3. Page 8, lines 10 and 11, by striking the words
- 6 "or attempted to be performed".

BY PARMENTER of Story

H-8318 FILED MARCH 13, 2000

*0/0
3/15/00 (p.797)*

HOUSE FILE 2229

H-8322

- 1 Amend House File 2229 as follows:
- 2 1. Page 1, by striking line 3, and inserting the
- 3 following:
- 4 ""State Mandated Information and Waiting Period for
- 5 Abortion Act".
- 6 2. Title page, by striking lines 1 and 2, and
- 7 inserting the following: "An Act relating to state
- 8 mandated information and a waiting period relating to
- 9 an abortion, and providing criminal penalties."

By FOEGE of Linn

H-8322 FILED MARCH 13, 2000

*0/0
3/15/00 (p.797)*

HOUSE FILE 2229

H-8323

- 1 Amend House File 2229 as follows:
- 2 1. By striking page 8, line 2 through page 9,
- 3 line 33.
- 4 2. Title page, by striking line 2 and inserting
- 5 the following: "abortion."

By MASCHER of Johnson

H-8323 FILED MARCH 13, 2000

*0/0
3/15/00 (p.797)*

HOUSE FILE 2229

H-8324

- 1 Amend the amendment, H-8162, to House File 2229 as
- 2 follows:
- 3 1. Page 3, line 44, by striking the word
- 4 "serious" and inserting the following: "simple".
- 5 2. Page 4, line 21, by striking the word
- 6 "serious" and inserting the following: "simple".

By MASCHER of Johnson

H-8324 FILED MARCH 13, 2000

*Adopted
3/15/00
(p.794)*

HOUSE FILE 2229

H-8325

1 Amend House File 2229 as follows:

2 1. Page 8, by striking line 5 and inserting the
3 following: "is guilty of a simple misdemeanor."

By MASCHER of Johnson

H-8325 FILED MARCH 13, 2000

O/O
3/15/00 (P.797)

HOUSE FILE 2229

H-8327

1 Amend House File 2229 as follows:

2 1. Page 1, line 26, by striking the words "unborn
3 child" and inserting the following: "fetus".

4 2. Page 1, line 28, by striking the words "unborn
5 child" and inserting the following: "fetus".

6 3. Page 2, line 12, by striking the words "unborn
7 child" and inserting the following: "fetus".

8 4. Page 2, lines 14 and 15, by striking the words
9 "unborn child" and inserting the following: "fetus".

10 5. Page 3, line 13, by striking the words "unborn
11 child" and inserting the following: "fetus".

12 6. Page 4, line 22, by striking the words "unborn
13 child" and inserting the following: "fetus".

14 7. Page 4, line 26, by striking the words "unborn
15 child" and inserting the following: "fetus".

16 8. Page 4, line 27, by striking the words "unborn
17 child" and inserting the following: "fetus".

18 9. Page 4, line 29, by striking the words "unborn
19 child" and inserting the following: "fetus".

20 10. Page 4, line 33, by striking the words
21 "unborn child" and inserting the following: "fetus".

22 11. Page 5, lines 3 and 4, by striking the words
23 "an unborn child" and inserting the following: "a
24 fetus".

By FOEGE of Linn

H-8327 FILED MARCH 13, 2000

O/O
3/15/00 (P.797)

HOUSE FILE 2229

H-8329

1 Amend House File 2229 as follows:

2 1. Page 4, line 20, by inserting after the word
3 "materials" the following: ", which shall be based
4 upon the most recent information published by the
5 American college of obstetrics and gynecology,".

By PARMENTER of Story

H-8329 FILED MARCH 13, 2000

3/15/00
(P.797)

HOUSE FILE 2229

H-8330

1 Amend House File 2229 as follows:

2 1. Page 1, by striking lines 13 and 14.

3 2. By striking page 1, line 32 through page 5,
4 line 9 and inserting the following:

5 "Except in the case of a medical emergency, an
6 abortion shall not be performed in this state without
7 the voluntary and informed consent of the patient upon
8 whom the abortion is to be performed."

9 3. Page 5, line 17, by striking the word "twenty-
10 four-hour".

11 4. By striking page 5, line 21 through page 9,
12 line 33, and inserting the following:

13 "Sec. ____ . NEW SECTION. 146A.5A CRIMINAL
14 PENALTIES.

15 1. A person who knowingly or recklessly performs
16 or attempt to perform an abortion in violation of this
17 chapter is guilty of a serious misdemeanor.

18 2. A penalty shall not be assessed under this
19 chapter against a patient upon whom an abortion is
20 performed or attempted to be performed.

21 Sec. ____ . NEW SECTION. 146A.5B PROTECTION OF
22 PRIVACY IN COURT PROCEEDINGS -- PENALTY.

23 1. In every criminal proceeding brought pursuant
24 to this chapter, the court proceedings shall be
25 conducted in a manner which protects the
26 confidentiality of the patient, and all court
27 documents pertaining to the proceedings shall remain
28 confidential and shall be sealed. The court shall
29 direct the exclusion of individuals from courtrooms or
30 hearing rooms to the extent necessary to safeguard the
31 patient's identity from public disclosure.

32 2. This section shall not be construed to conceal
33 the identity of witnesses from the defendant.

34 3. A person who knowingly violates the
35 confidentiality requirements of this section relating
36 to court proceedings and documents is guilty of a
37 serious misdemeanor."

38 5. Title page, line 2, by striking the words
39 "civil remedies and".

By WISE of Lee

H-8330 FILED MARCH 13, 2000

3/15/00
(P. 199)

HOUSE FILE 2229

H-8372

1 Amend the amendment, H-8162, to House File 2229, as
2 follows:

3 1. By striking page 1, line 6 through page 4,
4 line 23, and inserting the following:
5 "Women's Medical Procedure Waiting Period Act".
6 Section 1. NEW SECTION. 146A.2 WOMEN -- MEDICAL
7 PROCEDURES -- WAITING PERIOD.

8 Except in the case of a medical emergency, a
9 medical procedure shall not be performed on a woman in
10 this state unless the woman consents to the procedure
11 at least twenty-four hours prior to the performance of
12 the procedure."

13 2. Title page, line 1, by striking the word
14 "informed" and inserting the following: "twenty-four
15 hour prior".

16 3. Title page, lines 1 and 2, by striking the
17 words "an abortion and providing civil remedies and
18 criminal penalties" and inserting the following: "a
19 medical procedure performed on a woman".

By GRUNDBERG of Polk

H-8372 FILED MARCH 15, 2000

*Lost 3/15/00
(p. 796)*

HOUSE FILE 2229

H-8373

1 Amend House File 2229 as follows:

2 1. Page 2, lines 3 and 4, by striking the words
3 "at least twenty-four hours".

4 2. Page 3, line 1, by striking the words "at
5 least twenty-four hours".

6 3. Page 3, line 16, by striking the words "at
7 least twenty-four hours".

8 4. Page 3, line 17, by striking the words "at
9 least seventy-two hours".

10 5. Page 5, line 17, by striking the words
11 "twenty-four-hour".

12 6. Page 6, lines 18 and 19, by striking the words
13 "at least twenty-four hours".

By WISE of Lee

H-8373 FILED MARCH 15, 2000

*0/0
3/15/00
(p. 797)*

HOUSE FILE 2229

H-8377

1 Amend the amendment, H-8162, to House File 2229 as
 2 follows:
 3 1. Page 1, by striking lines 23 through 28 and
 4 inserting the following: "performance of an
 5 abortion."
 6 2. Page 3, by striking lines 36 through 40, and
 7 inserting the following: "an abortion is necessary."
 By MASCHER of Johnson

H-8377 FILED MARCH 15, 2000

Lost
 3-15-00
 (P. 796)

HOUSE FILE 2229

H-8380

1 Amend the amendment, H-8162, to House File 2229 as
 2 follows:
 3 1. Page 1, line 50, by inserting after the word
 4 "child" the following: "and that efforts to collect
 5 support may result in, but are not guaranteed to
 6 result in, financial support of the child".
 By DODERER of Johnson

H-8380 FILED MARCH 15, 2000

Adopted
 3-15-00
 (P. 791)

HOUSE FILE 2229

H-8382

1 Amend the amendment, H-8372, to amendment H-8162,
 2 to House File 2229 as follows:
 3 1. Page 1, line 5 by inserting after the word
 4 "Women's" the words "or Men's".
 5 2. Page 1, line 6 by inserting after the word
 6 "WOMEN" the words "OR MEN".
 7 3. Page 1, line 9 by inserting after the word
 8 "woman" the words "or man".
 9 4. Page 1, line 10 by inserting after the word
 10 "woman" the words "or man".
 11 5. Page 1, line 19 by inserting after the word
 12 "woman" the words "or man".

By CONNORS of Polk

H-8382 FILED MARCH 15, 2000

Adopted
 3/15/00
 P. 795

HOUSE FILE 2229

H-8383

1 Amend the amendment, H-8162, to House File 2229, as
2 follows:

3 1. By striking page 1, line 6 through page 4,
4 line 23, and inserting the following:

5 "Men's Medical Procedure Waiting Period Act".
6 Section 1. NEW SECTION. 146A.2 MEN -- MEDICAL
7 PROCEDURES -- WAITING PERIOD.

8 Except in the case of a medical emergency, a
9 medical procedure shall not be performed on a man in
10 this state unless the man consents to the procedure at
11 least twenty-four hours prior to the performance of
12 the procedure."

13 2. Title page, line 1, by striking the word
14 "informed" and inserting the following: "twenty-four
15 hour prior".

16 3. Title page, lines 1 and 2, by striking the
17 words "an abortion and providing civil remedies and
18 criminal penalties" and inserting the following: "a
19 medical procedure performed on a man"."

By MASCHER of Johnson NELSON-FORBES of Marshall
DODERER of Johnson MARTIN of Scott
CONNORS of Polk HUSER of Polk
GRUNDBERG of Polk

H-8383 FILED MARCH 15, 2000

w/d
3/15/00 P.796

HOUSE FILE 2229

H-8384

1 Amend the amendment, H-8162, to House File 2229, as
2 follows:

3 1. By striking page 1, line 6 through page 4,
4 line 23, and inserting the following:

5 "Vasectomy Waiting Period Act"
6 Section 1. NEW SECTION. 146A.2 VASECTOMY --
7 WAITING PERIOD.

8 Except in the case of a medical emergency, a
9 vasectomy shall not be performed on a man in this
10 state unless the man consents to the vasectomy at
11 least twenty-four hours prior to the performance of
12 the procedure."

13 2. Title page, line 1, by striking the word
14 "informed" and inserting the following: "twenty-four
15 hour prior".

16 3. Title page, lines 1 and 2, by striking the
17 words "an abortion and providing civil remedies and
18 criminal penalties" and inserting the following: "a
19 vasectomy performed on a man"."

By MASCHER of Johnson

H-8384 FILED MARCH 15, 2000

w/d
3/15/00
(P.796)

**HOUSE FILE 2229
FISCAL NOTE**

A fiscal note for House File 2229 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 2229 establishes a new chapter in the Code of Iowa relating to informed consent prior to an abortion. The Bill specifies the required informed consent provisions and provides alternatives to providing informed consent in the case of a medical emergency. The Bill requires the Department of Public Health (DPH) to publish certain information relating to options for managing a pregnancy and requires the Department to develop a reporting form for certain information relating to informed consent. The Bill also provides civil and criminal penalties and civil remedies.

ASSUMPTIONS

1. The number of providers (physicians or physicians' agents) would range from 7,000 - 10,000.
2. The DPH would incur annual costs of approximately \$3,000 for printing and distribution of patient certification forms as required by Section 3.
3. The DPH would use the option of a toll-free, 24-hour telephone line to provide geographically-indexed information of public and private agencies and services available to assist the patient as required by Section 4a. The information database could be easily updated and would eliminate the cost of printing and reprinting materials.

The estimated annual cost of a toll-free, 24-hour telephone line is \$75,000. This is based on the contractual cost of the 1-800-BETS OFF line and the estimated cost of a telephone line as included in the fiscal estimate for similar legislation in Minnesota.

4. To fulfill the requirements of Section 4b, the DPH would reprint copies of Fetal Growth and Development which was prepared by the South Dakota Department of Health in response to similar legislation and has been offered to other states for printing. Sufficient copies (25,000) would need to be made to accommodate physicians with more than one office, for social service agencies, and for replacement copies. The estimated cost would be \$0.80 for each reprint and necessary addendums for a total of \$20,000 for 25,000 copies. Mailing costs would be approximately \$30,000 (25,000 at \$1.20 each).

5. The DPH would incur annual costs for the following FTE positions, which total \$133,000, related to the provisions of Sections 3, 4a & b, and 6:

Executive Officer	\$55,000
Clerk Specialists	\$32,000

-2-

Statistical Research Analyst	\$44,000
Data Entry Staff	\$ 2,000

6. The costs for development, mailing, and processing of reporting forms as required by Section 6 would total \$36,000 to \$52,000.
7. The DPH will incur one-time costs of \$25,000 for data base development and \$7,000 for computer-related hardware related to the reporting requirements in Section 6.
8. The costs for annual report production, as required by Section 6, would total \$40,000 (10,000 copies at \$4.00 per report).
9. The class "C" felony provisions of Section 7 would require a district court judge at \$431 per hour. A contested case would take three to six days and an uncontested case would take approximately four hours.

CORRECTIONAL IMPACT

House File 2229 would not have a significant correctional impact on the Department of Corrections. The impact on the Judicial Department cannot be determined because of a lack of data regarding the number of cases that might result from this Bill.

FISCAL IMPACT

The estimated FY 2001 General Fund impact ranges from \$369,000 to \$385,000. This estimate is comprised of the following items:

Patient Certification Forms	\$ 3,000
Toll-free Phone Line	\$ 75,000
Fetal Characteristics Materials	\$ 50,000
Staff Support	\$ 133,000
Reporting Forms	\$ 36,000-52,000
Database Development/Hardware	\$ 32,000
Annual Reports	\$ 40,000

The estimated FY 2002 General Fund impact ranges from \$305,000 to \$321,000 because the costs for database development and hardware would not be recurring and because the geographically-indexed database of agencies would already be developed and only require updating.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections
 Fiscal Note to Minnesota HF 178
 Iowa Department of Public Health
 Judicial Department

(LSB 5000yh, VMT)

HOUSE FILE 2229
FISCAL NOTE

The estimate for Amendment H-8162 to HF 2229 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-8162 to House File 2229 establishes a new chapter in the Code of Iowa relating to informed consent prior to an abortion. The Amendment specifies the required informed consent provisions and provides alternatives to providing informed consent in the case of a medical emergency. The Amendment requires the Department of Public Health (DPH) to publish certain information relating to options for managing a pregnancy. The Amendment also provides penalties.

ASSUMPTIONS

1. The number of providers (physicians or physicians' agents) would range from 7,000 - 10,000.
2. The DPH would incur annual costs of approximately \$3,000 for printing and distributing patient certification forms.
3. The Amendment does not offer the alternative of a toll-free, 24-hour telephone line to provide geographically-indexed information of public and private agencies and services available to assist the patient. A toll-free line is a permissible addition. Therefore, materials would have to be printed at an estimated cost of \$50,000 (25,000 copies of a 40-page booklet at \$0.05 per page.) Mailing costs would be approximately \$30,000 (25,000 copies at \$1.20 each).
4. The DPH would reprint copies of Fetal Growth and Development which was prepared by the South Dakota Department of Health in response to similar legislation and has been offered to other states for printing. Sufficient copies (25,000) would need to be made to accommodate physicians with more than one office, for social service agencies, and for replacement copies. The estimated cost would be \$0.80 for each reprint and necessary addendums for a total of \$20,000 for 25,000 copies. Mailing costs would be approximately \$30,000 (25,000 at \$1.20 each).
5. The Amendment requires the materials be available in printed and audiotaped formats. The estimated cost for audiotapes is \$22,000 (10,000 copies at \$2.00 each plus \$2,000 for script and talent fee).
6. The DPH would incur annual costs for the following FTE positions, which total \$87,000:

Executive Officer

\$55,000

-2-

Clerk Specialists \$32,000

CORRECTIONAL IMPACT

No significant Correctional Impact is anticipated.

FISCAL IMPACT

The estimated FY 2001 General Fund impact of Amendment H-8162 to HF 2229 is \$242,000. This estimate is comprised of the following items:

Patient Certification Forms	\$ 3,000
Geographically-indexed Materials	\$ 80,000
Fetal Characteristics Materials	\$ 50,000
Audiotapes	\$ 22,000
Staff Support	\$ 87,000

The estimated FY 2002 General Fund impact of H-8162 to HF 2229 would be approximately \$210,000, due to decreased staff costs as geographically-indexed materials would have already been created and only require updating.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Fiscal Note to Minnesota HF 178
Iowa Department of Public Health
Judicial Department

(LSB 5000yh.2, VMT)

FILED MARCH 13, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

S-
S-3/16/00 no vote
S-3/23/00 Unfinished Business
Calendar

2229

HOUSE FILE

BY BODDICKER, BARRY, BAUDLER, BOAL,
BRADLEY, BRAUNS, CARROLL, DAVIS,
DOLECHECK, DRAKE, EDDIE, GARMAN,
GIPP, HOFFMAN, HORBACH, HUSEMAN,
JAGER, JOHNSON, KLEMME, LARSON,
LORD, MERTZ, MUNDIE, O'BRIEN,
RAECKER, RAYHONS, SUKUP, SUNDERBRUCH,
THOMSON, and VAN ENGELENHOVEN

(As Amended and Passed by the House, March 15, 2000)

Passed House, Date _____ Passed Senate, Date 3/28/00
Vote: Ayes _____ Nays _____ Vote: Ayes 28 Nays 22
Approved April 7, 2000

A BILL FOR

* 1 An Act relating to informed consent provisions relating to an
2 abortion and providing criminal penalties, and providing an
3 effective date.

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

ALL NEW LANGUAGE BY THE HOUSE

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HF 2229

1 Section 1. NEW SECTION. 146A.1 TITLE.

2 This chapter shall be known and may be cited as the
3 "Woman's Right to Know Act".

4 Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "Abortion" means abortion as defined in section 146.1.

8 2. "Attempt to perform an unlawful abortion" means an act,
9 or an omission of an act required by law, that constitutes a
10 substantial step in a course of conduct intended to culminate
11 in the performance of an abortion in violation of this
12 chapter.

13 3. "Department" means the Iowa department of public
14 health.

15 4. "Medical emergency" means any condition which, on the
16 basis of a physician's good faith clinical judgment, so
17 complicates the medical condition of a pregnant woman as to
18 necessitate the immediate performance of an abortion to avert
19 the pregnant woman's death, or to necessitate the immediate
20 performance of an abortion to avert a serious risk of
21 substantial and irreversible impairment of a major bodily
22 function if the performance of the abortion is delayed.

23 5. "Physician" means a person licensed to practice
24 medicine and surgery pursuant to chapter 148 or osteopathic
25 medicine and surgery pursuant to chapter 150A.

26 Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND INFORMED
27 CONSENT.

28 1. An abortion shall not be performed in this state
29 without the voluntary and informed consent of the woman upon
30 whom the abortion is to be performed. Except in the case of a
31 medical emergency, consent to an abortion is voluntary and
32 informed only if the requirements of this section are met.

33 2. The referring physician, the physician who will perform
34 the abortion, or an agent of either physician shall provide
35 all of the following information to the woman by telephone, by

1 audiotape, or in person, at least twenty-four hours before the
2 abortion:

3 a. Information that medical assistance benefits may be
4 available to the woman for prenatal care, childbirth, and
5 neonatal care.

6 b. Information that the putative father is liable to
7 assist in the support of the child and that efforts to collect
8 support may result in, but are not guaranteed to result in,
9 financial support of the child, even if the putative father
10 has offered to pay for the abortion.

11 c. Information that the woman has the right to review the
12 printed materials described in subsection 3.

13 d. Information that the patient may be eligible for
14 medical assistance benefits to cover the costs of an abortion
15 under certain circumstances.

16 3. After being informed of the woman's right to review
17 printed materials pursuant to subsection 2, if the woman
18 wishes to review the materials, the materials shall be
19 provided to the woman at least twenty-four hours before the
20 abortion is performed or shall be mailed to the patient by
21 regular mail or by restricted certified mail, as defined in
22 section 618.15, as requested by the patient. The physician or
23 the physician's agent shall orally inform the woman that the
24 materials have been provided by the state and that they
25 describe the unborn child and list agencies that offer
26 alternatives to abortion. The printed materials shall include
27 all of the following:

28 a. Geographically indexed materials designed to inform the
29 woman of public and private agencies and services available to
30 assist a woman through pregnancy, at the time of childbirth,
31 and while the child is dependent, including adoption agencies.
32 The materials shall include a comprehensive list of the
33 agencies available, categorized by the type of services
34 offered, and a description of the manner, including telephone
35 numbers, in which the agencies may be contacted. The

1 department may also provide a toll-free, twenty-four-hour-a-
2 day telephone number which may be called to obtain, orally, a
3 list and description of agencies in the locality of the caller
4 and of the services offered.

5 b. Materials designed to inform the woman of the probable
6 anatomical and physiological characteristics of the unborn
7 child at two-week gestational increments from the time that it
8 is medically possible to make a determination of pregnancy to
9 full term. The materials shall include any relevant
10 information regarding the possibility of the survival of the
11 unborn child and pictures or drawings representing the
12 development of the unborn child at two-week gestational
13 increments, provided that any pictures or drawings shall
14 contain the dimensions of the unborn child and shall be
15 realistic and appropriate for the state of pregnancy depicted.
16 The materials shall be objective, nonjudgmental, and designed
17 to convey only accurate scientific information about the
18 unborn child at various gestational stages. The materials
19 shall also contain objective information describing the
20 methods of abortion procedures commonly used, the medical
21 risks commonly associated with each such procedure, the
22 possible detrimental psychological effects of abortion, and
23 the medical risks commonly associated with carrying an unborn
24 child to term.

25 4. The referring physician, the physician who is to
26 perform the abortion, or the agent of either physician, who
27 provides the information and printed materials pursuant to
28 subsections 2 and 3, shall obtain written certification from
29 the woman that the information required pursuant to subsection
30 2 was provided. The referring physician, the physician who is
31 to perform the abortion, or the agent of either physician, who
32 obtains the written certification under this subsection shall
33 retain a copy of the certification and shall provide a copy of
34 the certification to the woman. A physician shall not perform
35 an abortion on a woman prior to obtaining the completed

1 certification form from the woman.

2 5. On or before October 1, 2000, the department shall
3 cause the information referred to in subsection 2 to be
4 published in printed format. The information shall be
5 provided in an easily comprehensible manner. The information
6 shall be published in a typeface large enough to be clearly
7 legible. The printed information shall be available from the
8 department at no cost, upon request, and in an appropriate
9 number, to any person.

10 Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF MEDICAL
11 EMERGENCY.

12 If a medical emergency necessitates the performance of an
13 abortion, the physician shall inform the woman, prior to the
14 performance of the abortion, if possible, of the medical
15 indications supporting the physician's judgment that the
16 immediate performance of an abortion is necessary to avert the
17 woman's death or that a twenty-four-hour delay in the
18 performance of an abortion will create serious risk of
19 substantial and irreversible impairment of a major bodily
20 function.

21 Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

22 1. A person who knowingly or recklessly performs or
23 attempts to perform an abortion in violation of this chapter
24 is guilty of a simple misdemeanor.

25 2. A penalty shall not be assessed under this chapter
26 against the woman upon whom the abortion is performed or
27 attempted to be performed. A penalty shall not be assessed
28 for failure of a woman to comply with the requirement of
29 written certification pursuant to section 146A.3, if the
30 department has not made the information available at the time
31 the physician or the physician's agent is required to inform
32 the woman of the woman's right to review the information.

33 Sec. 6. NEW SECTION. 146A.6 PROTECTION OF PRIVACY IN
34 COURT PROCEEDINGS -- PENALTY.

35 1. In every criminal proceeding brought pursuant to this

1 chapter, the court proceedings shall be conducted in a manner
2 which protects the confidentiality of the woman, and all court
3 documents pertaining to the proceedings shall remain
4 confidential and shall be sealed. The court shall direct the
5 exclusion of individuals from courtrooms or hearing rooms to
6 the extent necessary to safeguard the woman's identity from
7 public disclosure.

8 2. This section shall not be construed to conceal the
9 identity of witnesses from the defendant.

10 3. A person who knowingly violates the confidentiality
11 requirements of this section relating to court proceedings and
12 documents is guilty of a simple misdemeanor.

13 Sec. 7. EFFECTIVE DATE. This Act takes effect October 1,
14 2000.

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HOUSE FILE 2229

S-5271

1 Amend House File 2229 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 12, the
4 following:
5 "Sec. ____ . GUNS -- INFORMED CONSENT TO PURCHASE.
6 1. For the purposes of this section, "secure gun
7 safety device" means any of the following:
8 a. A device that, when installed on a pistol or
9 revolver, is designed to prevent the pistol or
10 revolver from being operated without first
11 deactivating or removing the device.
12 b. A device incorporated into the design of the
13 pistol or revolver that is designed to prevent the
14 operation of the pistol or revolver by anyone not
15 having access to the device.
16 2. A person that engages in the retail sale of
17 pistols or revolvers, other than antique firearms,
18 shall not sell any pistol or revolver, without first
19 obtaining written informed consent from the consumer
20 to purchase the pistol or revolver including by
21 providing all of the following information to the
22 consumer at least twenty-four hours prior to the
23 actual sale of the pistol or firearm:
24 a. Information regarding the person's options
25 regarding gun safety, including but not limited to
26 secure gun safety devices, safe storage of weapons,
27 and weapons training programs.
28 b. Information regarding the number of fatalities
29 and injuries resulting from the lack of utilization of
30 gun safety measures. Such information shall include
31 materials, including pictures and drawings, which
32 provide realistic and appropriate depictions of the
33 results of the lack of utilization of gun safety
34 measures, and shall be objective, nonjudgmental, and
35 designed to convey only accurate scientific
36 information about the results of the lack of
37 utilization of gun safety measures.
38 c. Geographically indexed materials designed to
39 inform the consumer of services available to assist
40 the consumer in gun safety measures, categorized by
41 type of services offered, and a description of the
42 manner, including telephone numbers, in which the
43 services may be accessed.
44 3. The retailer shall obtain written certification
45 from the consumer that the information required
46 pursuant to subsection 2 was provided and that the
47 consumer has consented to the purchase of the pistol
48 or revolver.
49 4. A person who knowingly or recklessly violates
50 the informed consent provisions of this section is

S-5271

-1-

S-5271

Page 2

1 guilty of a simple misdemeanor."

2 2. Title page, lines 1 and 2, by striking the
3 words "relating to an abortion".

4 3. By renumbering as necessary.

By JOHNIE HAMMOND

S-5271 FILED MARCH 28, 2000

RULED OUT OF ORDER

(p.906)

HOUSE FILE 2229

S-5275

1 Amend House File 2229, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause, and inserting the following:

5 "Section 1. NEW SECTION. 146A.1 TITLE.

6 This chapter shall be known and may be cited as the
7 "Vasectomy Waiting Period Act".

8 Sec. 2. NEW SECTION. 146A.2 VASECTOMY -- WAITING
9 PERIOD.

10 Except in the case of a medical emergency, a
11 vasectomy shall not be performed on a man in this
12 state unless the man consents to the vasectomy at
13 least twenty-four hours prior to the performance of
14 the procedure."

15 2. Title page, line 1, by striking the word
16 "informed" and inserting the following: "twenty-four
17 hour prior".

18 3. Title page, lines 1 through 3, by striking the
19 words "an abortion and providing criminal penalties,
20 and providing an effective date" and inserting the
21 following: "a vasectomy performed on a man".

By BETTY A. SOUKUP

S-5275 FILED MARCH 28, 2000

RULED OUT OF ORDER

(p.905)

HOUSE FILE 2229

S-5281

1 Amend House File 2229, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause, and inserting the following:

5 "Section 1. NEW SECTION. 146A.1 TITLE.

6 This chapter shall be known and may be cited as the
7 "Men's Medical Procedure Waiting Period Act."

8 Sec. 2. NEW SECTION. 146A.2 MEN -- MEDICAL
9 PROCEDURES -- WAITING PERIOD.

10 Except in the case of a medical emergency, a
11 medical procedure shall not be performed on a man in
12 this state unless the man consents to the procedure at
13 least twenty-four hours prior to the performance of
14 the procedure."

15 2. Title page, line 1, by striking the word
16 "informed" and inserting the following: "twenty-four
17 hour prior".

18 3. Title page, lines 1 through 3, by striking the
19 words "an abortion and providing criminal penalties,
20 and providing an effective date" and inserting the
21 following: "a medical procedure performed on a man".

By PATRICIA HARPER

S-5281 FILED MARCH 28, 2000

RULED OUT OF ORDER

(P. 905)

HOUSE FILE 2229

S-5283

1 Amend House File 2229, as amended, passed and
2 reprinted, by the House, as follows:

3 1. Page 2, line 30, by inserting after the word
4 "woman" the following: "with her pregnancy, including
5 information identifying services to terminate the
6 pregnancy in Iowa and in each state contiguous to Iowa
7 and including information identifying states that do
8 and do not require a twenty-four-hour waiting period
9 before a pregnancy may be terminated; and information
10 regarding services available to assist a woman".

By MARK SHEARER

S-5283 FILED MARCH 28, 2000

WITHDRAWN

(P. 905)

HOUSE FILE 2229

S-5284

1 Amend House File 2229, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 27 and 28, and
4 inserting the following: "geographically indexed
5 materials designed to inform the".

6 2. Page 3, by striking lines 5 through 24.

By MARK SHEARER

S-5284 FILED MARCH 28, 2000

WITHDRAWN

(P. 905)

HOUSE FILE 2229

S-5285

- 1 Amend House File 2229, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 25, by striking the words "unborn
- 4 child" and inserting the following: "fetus".
- 5 2. Page 3, lines 6 and 7, by striking the words
- 6 "unborn child" and inserting the following: "fetus".
- 7 3. Page 3, line 11, by striking the words "unborn
- 8 child" and inserting the following: "fetus".
- 9 4. Page 3, line 12, by striking the words "unborn
- 10 child" and inserting the following: "fetus".
- 11 5. Page 3, line 14, by striking the words "unborn
- 12 child" and inserting the following: "fetus".
- 13 6. Page 3, line 18, by striking the words "unborn
- 14 child" and inserting the following: "fetus".
- 15 7. Page 3, lines 23 and 24, by striking the words
- 16 "an unborn child" and inserting the following: "a
- 17 fetus".

By MARK SHEARER

S-5285 FILED MARCH 28, 2000
WITHDRAWN

(P. 905)

HOUSE FILE 2229
FISCAL NOTE

The estimate for House File 2229 as passed by the House is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2229 as passed by the House establishes a new chapter in the Code of Iowa relating to informed consent prior to an abortion. The Bill specifies the required informed consent provisions and provides alternatives to providing informed consent in the case of a medical emergency. The Bill requires the Department of Public Health (DPH) to publish certain information relating to options for managing a pregnancy. The Bill also provides penalties.

ASSUMPTIONS

1. The number of providers (physicians or physicians' agents) would range from 7,000 - 10,000.
2. The DPH would incur annual costs of approximately \$3,000 for printing and distributing patient certification forms.
3. Materials which provide a geographically-indexed list of public and private agencies and services available to assist the patient would be developed and printed by the DPH. The cost would be approximately \$9,000 (\$0.35 per copy for 25,000 copies). This is based on a sample document from Mississippi, which was prepared in response to similar legislation.
4. The DPH would reprint copies of Fetal Growth and Development which was prepared by the South Dakota Department of Health in response to similar legislation and has been offered to other states for printing. Sufficient copies (25,000) would need to be made to accommodate physicians with more than one office, for social service agencies, and for replacement copies. The estimated cost would be \$0.80 for each reprint and necessary addendums for a total of \$20,000 for 25,000 copies.
5. Service agencies materials and fetal characteristics materials would be mailed together. Mailing costs would be approximately \$19,000 if bulk mail were used.
6. The DPH would incur costs for the 1.0 Program Planner FTE position of approximately \$40,000.

CORRECTIONAL IMPACT

No significant correctional impact is anticipated.

FISCAL IMPACT

The estimated FY 2001 General Fund cost of HF 2229 as passed by the House is \$91,000. This estimate is comprised of the following items:

-2-

Patient Certification Forms	\$ 3,000
Geographically-indexed Materials	\$ 9,000
Fetal Characteristics Materials	\$ 20,000
Mailing Costs	\$ 19,000
Staff Support	\$ 40,000

The estimated FY 2002 General Fund impact of HF 2229 as passed by the House would be approximately \$75,000, due to decreased staff costs as geographically-indexed materials would have already been created and only require updating.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Fiscal Note to Minnesota HF 178
Iowa Department of Public Health
Judicial Department

(LSB 5000YH.3, VMT)

FILED MARCH 28, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 7, 2000

RECEIVED
APR 10 2000
LEGISLATIVE SERVICE
BUREAU

Brent Siegrist
Speaker of the House
State Capitol Building
LOCAL

Dear Speaker Siegrist:

I hereby transmit House File 2229, an act relating to informed consent provisions relating to an abortion and providing criminal penalties, and providing an effective date.

House File 2229 provides that an abortion shall be prohibited without the "voluntary and informed consent" of the woman seeking the procedure. To meet this consent requirement, a physician or the physician's agent is required to provide prescribed information, predominantly non-medical, to the woman at least 24 hours prior to performing the procedure. The bill, in a rare move, would subject medical professionals to criminal penalties for failing to comply.

As a state senator, I felt that government had a proper, but limited, role to act in certain areas affecting abortions. I supported parental notification as well as the ban on late-term abortions. However, I view HF 2229 differently.

Iowa law currently requires a medical professional to obtain, from the patient, a written consent to any medical or surgical procedure. (Iowa Code 147.137) This written consent includes information on the risks associated with the procedure to be performed. Therefore, women are already being provided information they need to make an informed decision about the abortion procedure. This bill also assumes that women do not invest enough time before the procedure weighing the emotional, medical, and spiritual factors involved in making this extremely difficult decision. I do not believe that assumption is true.

Page 2

Current parental notification laws also provide an opportunity for every young woman to have help and assistance in making this decision. Medical facilities providing abortions and family planning services currently make available to a woman contemplating an abortion a great deal of information. A number of other organizations, including many churches, make information on alternatives available. From this, I conclude that any information a woman wants or needs is available to her.

Given the current laws in Iowa and the level of information currently available to women, I must conclude that this bill is not about providing informed consent. Rather it is about government prescribing what a woman should think about, when a woman should think, and for how long a woman should think. This goes beyond the appropriate role of government in the context of this legal procedure.

The decision to have or not have an abortion is and should be the patient's decision. It should be made pursuant to her own values, in consultation with her physician and her God. Government's role is and should be limited.

For the above reasons, I hereby respectfully disapprove House File 2229.

Sincerely,



Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 2229

AN ACT

RELATING TO INFORMED CONSENT PROVISIONS RELATING TO AN
ABORTION AND PROVIDING CRIMINAL PENALTIES, AND PROVIDING
AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 146A.1 TITLE.

This chapter shall be known and may be cited as the
"Woman's Right to Know Act".

Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.

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

1. "Abortion" means abortion as defined in section 146.1.
2. "Attempt to perform an unlawful abortion" means an act,
or an omission of an act required by law, that constitutes a
substantial step in a course of conduct intended to culminate
in the performance of an abortion in violation of this
chapter.

3. "Department" means the Iowa department of public
health.

4. "Medical emergency" means any condition which, on the
basis of a physician's good faith clinical judgment, so
complicates the medical condition of a pregnant woman as to
necessitate the immediate performance of an abortion to avert
the pregnant woman's death, or to necessitate the immediate
performance of an abortion to avert a serious risk of
substantial and irreversible impairment of a major bodily
function if the performance of the abortion is delayed.

5. "Physician" means a person licensed to practice
medicine and surgery pursuant to chapter 148 or osteopathic
medicine and surgery pursuant to chapter 150A.

Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND INFORMED
CONSENT.

1. An abortion shall not be performed in this state
without the voluntary and informed consent of the woman upon
whom the abortion is to be performed. Except in the case of a
medical emergency, consent to an abortion is voluntary and
informed only if the requirements of this section are met.

2. The referring physician, the physician who will perform
the abortion, or an agent of either physician shall provide
all of the following information to the woman by telephone, by
audiotape, or in person, at least twenty-four hours before the
abortion:

a. Information that medical assistance benefits may be
available to the woman for prenatal care, childbirth, and
neonatal care.

b. Information that the putative father is liable to
assist in the support of the child and that efforts to collect
support may result in, but are not guaranteed to result in,
financial support of the child, even if the putative father
has offered to pay for the abortion.

c. Information that the woman has the right to review the
printed materials described in subsection 3.

d. Information that the patient may be eligible for medical assistance benefits to cover the costs of an abortion under certain circumstances.

3. After being informed of the woman's right to review printed materials pursuant to subsection 2, if the woman wishes to review the materials, the materials shall be provided to the woman at least twenty-four hours before the abortion is performed or shall be mailed to the patient by regular mail or by restricted certified mail, as defined in section 618.15, as requested by the patient. The physician or the physician's agent shall orally inform the woman that the materials have been provided by the state and that they describe the unborn child and list agencies that offer alternatives to abortion. The printed materials shall include all of the following:

a. Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, at the time of childbirth, and while the child is dependent, including adoption agencies. The materials shall include a comprehensive list of the agencies available, categorized by the type of services offered, and a description of the manner, including telephone numbers, in which the agencies may be contacted. The department may also provide a toll-free, twenty-four-hour-a-day telephone number which may be called to obtain, orally, a list and description of agencies in the locality of the caller and of the services offered.

b. Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time that it is medically possible to make a determination of pregnancy to full term. The materials shall include any relevant information regarding the possibility of the survival of the unborn child and pictures or drawings representing the development of the unborn child at two-week gestational

increments, provided that any pictures or drawings shall contain the dimensions of the unborn child and shall be realistic and appropriate for the state of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at various gestational stages. The materials shall also contain objective information describing the methods of abortion procedures commonly used, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion, and the medical risks commonly associated with carrying an unborn child to term.

4. The referring physician, the physician who is to perform the abortion, or the agent of either physician, who provides the information and printed materials pursuant to subsections 2 and 3, shall obtain written certification from the woman that the information required pursuant to subsection 2 was provided. The referring physician, the physician who is to perform the abortion, or the agent of either physician, who obtains the written certification under this subsection shall retain a copy of the certification and shall provide a copy of the certification to the woman. A physician shall not perform an abortion on a woman prior to obtaining the completed certification form from the woman.

5. On or before October 1, 2000, the department shall cause the information referred to in subsection 2 to be published in printed format. The information shall be provided in an easily comprehensible manner. The information shall be published in a typeface large enough to be clearly legible. The printed information shall be available from the department at no cost, upon request, and in an appropriate number, to any person.

Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF MEDICAL EMERGENCY.

If a medical emergency necessitates the performance of an abortion, the physician shall inform the woman, prior to the performance of the abortion, if possible, of the medical indications supporting the physician's judgment that the immediate performance of an abortion is necessary to avert the woman's death or that a twenty-four-hour delay in the performance of an abortion will create serious risk of substantial and irreversible impairment of a major bodily function.

Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

1. A person who knowingly or recklessly performs or attempts to perform an abortion in violation of this chapter is guilty of a simple misdemeanor.

2. A penalty shall not be assessed under this chapter against the woman upon whom the abortion is performed or attempted to be performed. A penalty shall not be assessed for failure of a woman to comply with the requirement of written certification pursuant to section 146A.3, if the department has not made the information available at the time the physician or the physician's agent is required to inform the woman of the woman's right to review the information.

Sec. 6. NEW SECTION. 146A.6 PROTECTION OF PRIVACY IN COURT PROCEEDINGS -- PENALTY.

1. In every criminal proceeding brought pursuant to this chapter, the court proceedings shall be conducted in a manner which protects the confidentiality of the woman, and all court documents pertaining to the proceedings shall remain confidential and shall be sealed. The court shall direct the exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure.

2. This section shall not be construed to conceal the identity of witnesses from the defendant.

3. A person who knowingly violates the confidentiality requirements of this section relating to court proceedings and documents is guilty of a simple misdemeanor.

Sec. 7. EFFECTIVE DATE. This Act takes effect October 1, 2000.

BRENT SIEGRIST
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 2229, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Vilsack
Approved April 7, 2000

THOMAS J. VILSACK
Governor