

**House File 192 - Introduced**

HOUSE FILE 192

BY WINDSCHITL and ALONS

**A BILL FOR**

1 An Act relating to the protocol for a medical abortion, and  
2 providing penalties.

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

1 Section 1. NEW SECTION. 146A.1 Medical abortions —  
2 restrictions — protocol — penalties.

3 1. A person shall not knowingly give, sell, dispense,  
4 administer, otherwise provide, or prescribe any medication to  
5 another person for the purpose of inducing a medical abortion  
6 in the person or enabling the other person to induce a medical  
7 abortion in another person, unless the person who gives, sells,  
8 dispenses, administers, or otherwise provides or prescribes the  
9 medication meets all of the following requirements:

10 a. Is a licensed physician.

11 b. The physician satisfies all the criteria established by  
12 federal law that a physician must satisfy in order to provide  
13 such medication for inducing medical abortions.

14 c. The physician provides the medication to the other person  
15 for the purpose of inducing a medical abortion in accordance  
16 with all provisions of federal law that govern the use of such  
17 medication for inducing medical abortions.

18 2. A person who gives, sells, dispenses, administers,  
19 otherwise provides, or prescribes medication to another person  
20 as described in subsection 1 shall not be prosecuted based on  
21 a violation of the criteria contained in this section unless  
22 the person knows that the person is not a licensed physician,  
23 that the person did not satisfy all the specified criteria  
24 established by federal law, or that the person did not provide  
25 the medication in accordance with the specified provisions of  
26 federal law, whichever is applicable.

27 3. A physician who provides medication to another for  
28 the purpose of inducing a medical abortion as authorized  
29 under subsection 1 shall not knowingly fail to comply with  
30 the applicable requirements of any federal law that pertain  
31 to follow-up examinations or care for persons to whom or for  
32 whom such medication is provided for the purpose of inducing a  
33 medical abortion.

34 4. a. If a physician provides medication to another person  
35 for the purpose of inducing a medical abortion as authorized

1 under subsection 1, and the physician knows that the person  
2 who uses the medication for the purpose of inducing a medical  
3 abortion experiences during or after the use an incomplete  
4 abortion, severe bleeding, or an adverse reaction to the  
5 medication, or is hospitalized, receives a transfusion, or  
6 experiences any other serious event, the physician shall  
7 provide a written report of the incomplete abortion, severe  
8 bleeding, adverse reaction, hospitalization, transfusion, or  
9 serious event to the department. The department shall compile  
10 and retain all reports the department receives under this  
11 section. Except as otherwise provided in this section, all  
12 reports the department receives under this section are public  
13 records. However, the department shall not release to any  
14 person the name or any other personal identifying information  
15 regarding a person who uses medication for the purpose of  
16 inducing a medical abortion and who is the subject of a report  
17 the department receives under this section.

18 *b.* A physician who provides medication to another for the  
19 purpose of inducing a medical abortion as authorized under  
20 subsection 1 shall not knowingly fail to file a report required  
21 under paragraph "a".

22 5. A physician shall only diagnose and prescribe a medical  
23 abortion in person, and shall not utilize other means, such as  
24 an internet web camera, to do so.

25 6. A physician shall not give, sell, dispense, administer,  
26 otherwise provide, or prescribe a medication for the purpose of  
27 inducing a medical abortion for a minor without first complying  
28 with chapter 135L.

29 7. If a physician prescribes medication to induce a medical  
30 abortion after the gestational limit of forty-nine days  
31 recommended by the United States food and drug administration,  
32 the physician shall ensure that the woman has access to  
33 emergency care that is available twenty-four hours per day,  
34 seven days per week, and shall report any emergency care  
35 provided from complications arising from such prescription to

1 the department.

2 8. *a.* A person who violates this section is guilty of a  
3 class "D" felony.

4 *b.* If a person who violates this section is professionally  
5 licensed in this state, in addition to any other sanction  
6 imposed by law for the offense, the person is subject to  
7 sanctioning as provided by law by the regulatory or licensing  
8 board or agency that has the administrative authority to  
9 suspend or revoke the person's professional license.

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

12 *a.* "*Department*" means the department of public health.

13 *b.* "*Federal law*" means any law, rule, or regulation of the  
14 United States or any drug approval letter of the food and drug  
15 administration of the United States that governs or regulates  
16 the use of mifepristone for the purpose of inducing abortions.

17 *c.* "*Medical abortion*" means the use of a medication  
18 including but not limited to mifepristone or ulipristal acetate  
19 to terminate a pregnancy.

20 *d.* "*Minor*" means a person under eighteen years of age who  
21 has not been and is not married.

22 EXPLANATION

23 This bill provides the protocol related to a medical  
24 abortion.

25 The bill prohibits a person from knowingly giving, selling,  
26 dispensing, administering, or otherwise providing, or  
27 prescribing a medication to another person for the purpose  
28 of inducing a medical abortion in the person or enabling the  
29 other person to induce a medical abortion in another person,  
30 unless the person who gives, sells, dispenses, administers,  
31 or otherwise provides or prescribes such medication meets  
32 all of the following requirements: is a licensed physician;  
33 satisfies all the criteria established by federal law that  
34 a physician must satisfy in order to provide the medication  
35 to induce the medical abortion; and provides the medication

1 to the other person for the purpose of inducing an abortion  
2 in accordance with all provisions of federal law that govern  
3 the use of medication to induce a medical abortion. However,  
4 the bill provides that a person who gives, sells, dispenses,  
5 administers, otherwise provides, or prescribes medication to  
6 another person shall not be prosecuted based on a violation of  
7 the criteria specified unless the person knows that the person  
8 is not a licensed physician, that the person did not satisfy  
9 all the specified criteria established by federal law, or  
10 that the person did not provide the medication in accordance  
11 with the specified provisions of federal law, whichever is  
12 applicable. The bill also provides that a physician who  
13 provides medication to another for the purpose of inducing  
14 a medical abortion shall not knowingly fail to comply with  
15 the applicable requirements of any federal law that pertain  
16 to follow-up examinations or care for persons to whom or for  
17 whom such medication is provided for the purpose of inducing a  
18 medical abortion.

19 If a physician provides medication to induce a medical  
20 abortion, and if the physician knows that the person who uses  
21 the medication for the purpose of inducing a medical abortion  
22 experiences during or after the use an incomplete abortion,  
23 severe bleeding, or an adverse reaction to the medication or is  
24 hospitalized, receives a transfusion, or experiences any other  
25 serious event, the physician is required to provide a written  
26 report of such result to the department of public health.  
27 The department is directed to compile and retain all reports  
28 the department receives, and such reports, unless otherwise  
29 provided, are public records. However, the department is  
30 prohibited from releasing the name or any other personal  
31 identifying information regarding a person who uses medication  
32 for the purpose of inducing a medical abortion and who is the  
33 subject of a report the department receives. A physician who  
34 provides medication to another for the purpose of inducing a  
35 medical abortion is prohibited from knowingly failing to file

1 such a report.

2 The bill requires that a physician prescribe a medical  
3 abortion only in person, and not utilize other means, such  
4 as an internet web camera, to do so. The bill prohibits a  
5 physician from giving, selling, dispensing, administering,  
6 otherwise providing, or prescribing medication to induce a  
7 medical abortion for a minor without first complying with Code  
8 chapter 135L (notification requirements regarding pregnant  
9 minors). Additionally, if a physician prescribes medication to  
10 induce a medical abortion after the United States food and drug  
11 administration recommended 49 days of pregnancy, the physician  
12 shall ensure that the woman has access to emergency care that  
13 is available 24 hours per day, seven days per week, and shall  
14 report any emergency care provided from complications arising  
15 from such prescription to the department.

16 A person who violates a provision of the bill is guilty  
17 of a class "D" felony. A class "D" felony is punishable by  
18 confinement for no more than five years and a fine of at least  
19 \$750 but not more than \$7,500. Additionally, if a person  
20 who violates the provisions of the bill is professionally  
21 licensed, the person is subject to sanctioning as provided by  
22 law by the regulatory or licensing board or agency that has  
23 the administrative authority to suspend or revoke the person's  
24 professional license.