

Senate File 41 - Introduced

SENATE FILE 41

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A BILL FOR

1 An Act relating to protocol for medically induced abortions,
2 and providing penalties.

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

1 Section 1. NEW SECTION. 146A.1 **Medically induced abortion**
2 **— protocol — penalties.**

3 1. A person shall not knowingly give, sell, dispense,
4 administer, otherwise provide, or prescribe mifepristone to
5 another person for the purpose of inducing an abortion in the
6 person or enabling the other person to induce an abortion
7 in another person, unless the person who gives, sells,
8 dispenses, administers, or otherwise provides or prescribes the
9 mifepristone 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 mifepristone for inducing abortions.

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

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

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

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

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

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

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

25 6. If a physician prescribes mifepristone after the
26 gestational limit of forty-nine days recommended by the United
27 States food and drug administration, the physician shall ensure
28 that the woman has access to emergency care that is available
29 twenty-four hours per day, seven days per week, and shall
30 report any emergency care provided from complications arising
31 from such prescription to the department.

32 7. *a.* A person who violates this section is guilty of a
33 class "D" felony.

34 *b.* If a person who violates this section is professionally
35 licensed in this state, in addition to any other sanction

1 imposed by law for the offense, the person is subject to
2 sanctioning as provided by law by the regulatory or licensing
3 board or agency that has the administrative authority to
4 suspend or revoke the person's professional license.

5 8. As used in this section, unless the context otherwise
6 requires:

7 a. "Department" means the department of public health.

8 b. "Federal law" means any law, rule, or regulation of the
9 United States or any drug approval letter of the food and drug
10 administration of the United States that governs or regulates
11 the use of mifepristone for the purpose of inducing abortions.

12 EXPLANATION

13 This bill provides protocol related to medically induced
14 abortions.

15 The bill prohibits a person from knowingly giving, selling,
16 dispensing, administering, or otherwise providing, or
17 prescribing mifepristone to another person for the purpose
18 of inducing an abortion in the person or enabling the other
19 person to induce an abortion in another person, unless the
20 person who gives, sells, dispenses, administers, or otherwise
21 provides or prescribes the mifepristone meets all of the
22 following requirements: is a licensed physician; satisfies
23 all the criteria established by federal law that a physician
24 must satisfy in order to provide mifepristone for inducing
25 abortions; and provides the mifepristone to the other person
26 for the purpose of inducing an abortion in accordance with all
27 provisions of federal law that govern the use of mifepristone
28 for inducing abortions. However, the bill provides that a
29 person who gives, sells, dispenses, administers, otherwise
30 provides, or prescribes mifepristone to another person
31 shall not be prosecuted based on a violation of the criteria
32 specified unless the person knows that the person is not
33 a licensed physician, that the person did not satisfy all
34 the specified criteria established by federal law, or that
35 the person did not provide the mifepristone in accordance

1 with the specified provisions of federal law, whichever is
2 applicable. The bill also provides that a physician who
3 provides mifepristone to another for the purpose of inducing
4 an abortion shall not knowingly fail to comply with the
5 applicable requirements of any federal law that pertain to
6 follow-up examinations or care for persons to whom or for
7 whom mifepristone is provided for the purpose of inducing an
8 abortion.

9 If a physician provides mifepristone to induce an
10 abortion, and if the physician knows that the person who uses
11 the mifepristone for the purpose of inducing an abortion
12 experiences during or after the use an incomplete abortion,
13 severe bleeding, or an adverse reaction to the mifepristone or
14 is hospitalized, receives a transfusion, or experiences any
15 other serious event, the physician is required to provide a
16 written report of the incomplete abortion of such result to
17 the department of public health. The department is directed
18 to compile and retain all reports the department receives, and
19 such reports, unless otherwise provided, are public records.
20 However, the department is prohibited from releasing the name
21 or any other personal identifying information regarding a
22 person who uses mifepristone for the purpose of inducing an
23 abortion and who is the subject of a report the department
24 receives. A physician who provides mifepristone to another
25 for the purpose of inducing an abortion is prohibited from
26 knowingly failing to file such a report.

27 The bill requires that a physician only prescribe a
28 medically induced abortion in person, and not utilize other
29 means, such as an internet web camera, to do so. Additionally,
30 if a physician prescribes mifepristone after the United States
31 food and drug administration recommended 49 days of pregnancy,
32 the physician shall ensure that the woman has access to
33 emergency care that is available 24 hours per day, seven days
34 per week, and shall report any emergency care provided from
35 complications arising from such prescription to the department.

1 A person who violates a provision of the bill is guilty
2 of a class "D" felony. A class "D" felony is punishable by
3 confinement for no more than five years and a fine of at least
4 \$750 but not more than \$7,500. Additionally, if a person
5 who violates the provisions of the bill is professionally
6 licensed, the person is subject to sanctioning as provided by
7 law by the regulatory or licensing board or agency that has
8 the administrative authority to suspend or revoke the person's
9 professional license.