

House File 2084 - Introduced

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A BILL FOR

1 An Act relating to the performance of medical abortions and
2 providing penalties.

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

1 Section 1. FINDINGS AND DECLARATIONS. The general assembly
2 finds or declares the following:

3 1. The general assembly finds that the Iowa supreme court
4 has not determined whether a woman has a fundamental right
5 to an abortion under the Constitution of the State of Iowa
6 distinct from any rights afforded by the Constitution of the
7 United States.

8 2. The general assembly declares that no fundamental right
9 to abortion exists under the Constitution of the State of Iowa.

10 3. Therefore, the general assembly finds that no right to
11 an abortion exists under the Constitution of the State of Iowa
12 that is coextensive with any right to an abortion under the
13 Constitution of the United States as determined by the United
14 States supreme court.

15 4. The general assembly declares the state's clear interest
16 is in advancing a respect for and the rights of unborn human
17 life at any stage, and in protecting the health and safety of
18 women.

19 5. Further, the general assembly declares that this state
20 interest outweighs any right to abortion as no such right has
21 been determined by the Iowa supreme court to exist under the
22 Constitution of the State of Iowa or through any coextensive
23 right vaguely linked to a decision of the United States supreme
24 court under the Constitution of the United States.

25 6. The general assembly declares that the purpose of this
26 Act is to promote respect for and the rights of unborn human
27 life and to protect the health and safety of women.

28 7. Therefore, the general assembly declares that the
29 strength of the state's justification in enacting this Act
30 outweighs the right of, and does not place an undue burden on
31 or a substantial obstacle in the way of, a woman seeking an
32 abortion.

33 8. In accordance with Article 5, sections 1 and 4 of the
34 Constitution of the State of Iowa, the general assembly imposes
35 a restriction on the state courts from judicially reviewing

1 this Act.

2 Sec. 2. NEW SECTION. 146B.1 Medical abortions —
3 restrictions — in-person administration — penalties.

4 1. For the purpose of this section:

5 a. "Medical abortion" means the use of a medication
6 including but not limited to mifepristone or ulipristal acetate
7 to terminate a pregnancy.

8 b. "Physician" means a person licensed to practice medicine
9 and surgery or osteopathic medicine and surgery pursuant to
10 chapter 148.

11 2. a. Only a physician shall prescribe, dispense, or
12 administer any medication for the purpose of inducing a medical
13 abortion.

14 b. Any physician prescribing, dispensing, or administering
15 a medication for the purpose of inducing a medical abortion
16 shall also comply with all federal regulations relating to the
17 prescribing, dispensing, and administering of such medication.

18 c. A physician shall only administer a medication for
19 the purpose of inducing a medical abortion in person and in
20 a clinic or hospital with the capacity to provide surgical
21 intervention in cases resulting in an incomplete abortion or
22 severe bleeding.

23 3. A physician who knowingly performs a medical abortion in
24 violation of this section is guilty of a serious misdemeanor
25 and is subject to revocation of licensure pursuant to chapter
26 148.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to the performance of medical abortions.

31 The bill provides findings that the Iowa supreme court
32 has not determined whether a woman has a fundamental right
33 to an abortion under the Iowa Constitution distinct from any
34 rights afforded by the United States Constitution; the general
35 assembly declares that no fundamental right to abortion exists

1 under the Iowa Constitution, and therefore declares that no
2 right to an abortion exists under the Iowa Constitution that
3 is coextensive with any right to an abortion under the United
4 States Constitution as determined by the United States supreme
5 court; the general assembly declares the state's clear interest
6 is in advancing a respect for and the rights of unborn human
7 life at any stage, and in protecting the health and safety
8 of women and that this state interest outweighs any right to
9 abortion as no such right has been determined by the Iowa
10 supreme court to exist under the Iowa Constitution or through
11 any vague link to a coextensive right determined by the United
12 States supreme court under the United States Constitution;
13 the purpose of the bill is to promote respect for and the
14 rights of unborn human life and to protect the health and
15 safety of women; the strength of the state's justification in
16 enacting the bill outweighs the right of, and does not place
17 an undue burden on or a substantial obstacle in the way of,
18 a woman seeking an abortion; and in accordance with Article
19 5, sections 1 and 4 of the Iowa Constitution (which vest
20 judicial power in a supreme court, district courts, and such
21 other courts, inferior to the supreme court, as the general
22 assembly may, from time to time, establish and which establish
23 the jurisdiction of the supreme court under such restrictions
24 as the general assembly may, by law, prescribe), the general
25 assembly imposes a restriction on the state courts from
26 judicially reviewing the bill.

27 The bill defines "medical abortion" as the use of a
28 medication including but not limited to mifepristone or
29 ulipristal acetate to terminate a pregnancy. The bill provides
30 that only a physician shall prescribe, dispense, or administer
31 any medication for the purpose of inducing a medical abortion.
32 Additionally, the bill requires that any physician prescribing,
33 dispensing, or administering a medication for the purpose of
34 inducing a medical abortion shall comply with all federal
35 regulations relating to such medication; and a physician shall

1 only administer a medication for the purpose of inducing a
2 medical abortion in person and in a clinic or hospital with the
3 capacity to provide surgical intervention in cases resulting in
4 an incomplete abortion or severe bleeding.

5 A physician who knowingly performs a medical abortion in
6 violation of the bill is guilty of a serious misdemeanor and
7 is subject to revocation of licensure pursuant to Code chapter
8 148. A serious misdemeanor is punishable by confinement for no
9 more than one year or a fine of at least \$315 but not more than
10 \$1,875, or by both.