

**Senate File 2295 - Introduced**

SENATE FILE 2295

BY BERTRAND

**A BILL FOR**

1 An Act relating to feticide, making penalties applicable, and  
2 providing for a repeal.

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

1 Section 1. Section 707.7, Code 2018, is amended to read as  
2 follows:

3 **707.7 Feticide.**

4 1. Any person who intentionally terminates a human  
5 pregnancy, with the knowledge and voluntary consent of the  
6 pregnant person, after the ~~end of the second trimester of the~~  
7 pregnancy reaches one week postfertilization, where death of  
8 the fetus results, commits feticide. Feticide is a class "C"  
9 felony.

10 2. Any person who attempts to intentionally terminate a  
11 human pregnancy, with the knowledge and voluntary consent of  
12 the pregnant person, after the ~~end of the second trimester~~  
13 ~~of the pregnancy~~ reaches one week postfertilization, where  
14 death of the fetus does not result, commits attempted feticide.  
15 Attempted feticide is a class "D" felony.

16 3. Any person who terminates a human pregnancy, with the  
17 knowledge and voluntary consent of the pregnant person, who  
18 is not a person licensed to practice medicine and surgery  
19 or osteopathic medicine and surgery under the provisions of  
20 chapter 148, commits a class "C" felony.

21 4. a. This section shall not apply to the termination of a  
22 human pregnancy performed by a physician licensed in this state  
23 to practice medicine or surgery or osteopathic medicine or  
24 surgery when, in the best clinical judgment of the physician,  
25 the termination is performed to preserve the life ~~or health~~  
26 of the pregnant person or of the fetus or to avert a serious  
27 risk to the pregnant person of a substantial and irreversible  
28 physical impairment of a major bodily function and every  
29 reasonable medical effort not inconsistent with preserving the  
30 life of the pregnant person is made to preserve the life of a  
31 viable fetus.

32 b. This section shall not apply to the termination of a  
33 human pregnancy between fertilization and until the pregnancy  
34 reaches twenty-four weeks postfertilization, performed by  
35 a physician licensed in this state to practice medicine or

1 surgery or osteopathic medicine or surgery when, in the best  
2 clinical judgment of the physician, the human pregnancy has  
3 a fetal anomaly incompatible with life. For the purposes of  
4 this paragraph "b", "fetal anomaly incompatible with life" means  
5 a fetal condition diagnosed in utero that, if the pregnancy  
6 results in a live birth, will with reasonable certainty result  
7 in the death of the child or will result in requiring the  
8 provision of life-sustaining procedures as defined in section  
9 144A.2 to the child after the child's birth and for the  
10 duration of the child's life.

11 Sec. 2. REPEAL. Chapters 146A and 146B, Code 2018, are  
12 repealed.

13 EXPLANATION

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

16 This bill relates to feticide. The bill amends Code  
17 section 707.7 (feticide) to specify when feticide or attempted  
18 feticide is committed. The bill provides that any person who  
19 intentionally terminates a human pregnancy, with the knowledge  
20 and voluntary consent of the pregnant person, after the  
21 pregnancy reaches one week postfertilization, where death of  
22 the fetus results, commits feticide. Feticide is a class "C"  
23 felony. A class "C" felony is punishable by confinement for no  
24 more than 10 years and a fine of at least \$1,000 but not more  
25 than \$10,000. Under existing law, feticide is committed when  
26 a person intentionally terminates a human pregnancy, with the  
27 knowledge and voluntary consent of the pregnant person, after  
28 the end of the second trimester of the pregnancy, where death  
29 of the fetus results.

30 The bill provides that any person who attempts to  
31 intentionally terminate a human pregnancy, with the knowledge  
32 and voluntary consent of the pregnant person, after the  
33 pregnancy reaches one week postfertilization, where death  
34 of the fetus does not result, commits attempted feticide.  
35 Attempted feticide is a class "D" felony. A class "D" felony

1 is punishable by confinement for no more than five years and a  
2 fine of at least \$750 but not more than \$7,500. Under existing  
3 law, attempted feticide is committed when a person attempts to  
4 intentionally terminate a human pregnancy, with the knowledge  
5 and voluntary consent of the pregnant person, after the end of  
6 the second trimester of the pregnancy, where death of the fetus  
7 does not result.

8 The bill also provides that the feticide provisions do not  
9 apply to the termination of a human pregnancy performed by a  
10 physician licensed in this state when in the best clinical  
11 judgment of the physician the termination is performed to  
12 preserve the life, but not the health, of the pregnant person  
13 or of the fetus or to avert a serious risk to the pregnant  
14 person of a substantial and irreversible physical impairment of  
15 a major bodily function and every reasonable medical effort not  
16 inconsistent with preserving the life of the pregnant person is  
17 made to preserve the life of a viable fetus.

18 Additionally, the feticide provisions do not apply to  
19 the termination of a human pregnancy between fertilization  
20 and until the pregnancy reaches 24 weeks postfertilization,  
21 performed by a physician licensed in the state when in the best  
22 clinical judgment of the physician the human pregnancy has a  
23 fetal anomaly incompatible with life. The bill defines "fetal  
24 anomaly incompatible with life" as a fetal condition diagnosed  
25 in utero that, if the pregnancy results in a live birth, will  
26 with reasonable certainty result in the death of the child  
27 or will result in requiring the provision of life-sustaining  
28 procedures to the child after the child's birth and for the  
29 duration of the child's life.

30 The bill also repeals Code chapter 146A (abortion  
31 prerequisites) and Code chapter 146B (abortion — limitations  
32 and prerequisites) which are inconsistent with the feticide  
33 provisions in the bill.