

Senate File 2215 - Introduced

SENATE FILE 2215

BY ZAUN

A BILL FOR

1 An Act relating to ultrasound prerequisites for abortion, and
2 making penalties applicable.

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

1 Section 1. Section 146A.1, Code 2020, is amended to read as
2 follows:

3 **146A.1 Prerequisites for abortion — licensee discipline.**

4 1. a. A physician performing an abortion or a qualified
5 technician to whom the physician has delegated the
6 responsibility, shall comply with all of the following prior
7 to a woman providing informed consent to any part of the
8 performance of an abortion:

9 (1) Perform an obstetric ultrasound on the pregnant woman.

10 (2) Provide a simultaneous explanation of what the
11 ultrasound is depicting, including the presence and location
12 of the unborn child within the uterus and the number of unborn
13 children depicted, and, if the ultrasound image indicates fetal
14 demise has occurred, inform the woman of the fetal demise.

15 (3) Display the ultrasound images so that the pregnant woman
16 may view the images.

17 (4) Auscultate the fetal heartbeat of the unborn child so
18 that the pregnant woman may hear the heartbeat if the heartbeat
19 is audible.

20 (5) Provide a medical description of the ultrasound images
21 including the dimensions of the unborn child and the presence
22 of external members and internal organs of the unborn child,
23 if present and viewable.

24 (6) Obtain and retain in the pregnant woman's medical
25 file written certification from the pregnant woman that an
26 ultrasound was performed on the pregnant woman and the pregnant
27 woman has viewed the ultrasound images, listened to the
28 fetal heartbeat of the unborn child if the fetal heartbeat is
29 audible, or declined to do so.

30 b. When the ultrasound images and fetal heartbeat sounds are
31 provided to and reviewed with the pregnant woman, nothing in
32 this section shall be construed to prevent the pregnant woman
33 from averting the pregnant woman's eyes from the ultrasound
34 images or requesting the volume of the fetal heartbeat of the
35 unborn child be reduced or turned off if the fetal heartbeat

1 is audible. The physician and the pregnant woman shall not
2 be subject to any penalty if the pregnant woman refuses to
3 view the displayed ultrasound images or to listen to the fetal
4 heartbeat if the fetal heartbeat is audible.

5 2. a. A physician performing an abortion shall obtain
6 written certification from the pregnant woman ~~of all of the~~
7 ~~following~~ at least seventy-two hours prior to performing an
8 abortion:

9 ~~a. That the woman has undergone an ultrasound imaging of the~~
10 ~~unborn child that displays the approximate age of the unborn~~
11 ~~child.~~

12 ~~b. That the woman was given the opportunity to see the~~
13 ~~unborn child by viewing the ultrasound image of the unborn~~
14 ~~child.~~

15 ~~c. That the woman was given the option of hearing a~~
16 ~~description of the unborn child based on the ultrasound image~~
17 ~~and hearing the heartbeat of the unborn child.~~

18 ~~d. (1) That that the woman has been provided information~~
19 ~~regarding all of the following, based upon the materials~~
20 ~~developed by the department of public health pursuant to~~
21 ~~subparagraph (2) paragraph "b":~~

22 ~~(a) (1) The options relative to a pregnancy, including~~
23 ~~continuing the pregnancy to term and retaining parental rights~~
24 ~~following the child's birth, continuing the pregnancy to~~
25 ~~term and placing the child for adoption, and terminating the~~
26 ~~pregnancy.~~

27 ~~(b) (2) The indicators, contra-indicators, and risk~~
28 ~~factors including any physical, psychological, or situational~~
29 ~~factors related to the abortion in light of the woman's medical~~
30 ~~history and medical condition.~~

31 ~~(2) b. The department of public health shall make available~~
32 ~~to physicians, upon request, all of the following information:~~

33 ~~(a) (1) Geographically indexed materials designed to inform~~
34 ~~the woman about public and private agencies and services~~
35 ~~available to assist a woman through pregnancy, at the time of~~

1 childbirth, and while the child is dependent. The materials
2 shall include a comprehensive list of the agencies available,
3 categorized by the type of services offered, and a description
4 of the manner by which the agency may be contacted.

5 ~~(b)~~ (2) Materials that encourage consideration of
6 placement for adoption. The materials shall inform the woman
7 of the benefits of adoption, including the requirements of
8 confidentiality in the adoption process, the importance of
9 adoption to individuals and society, and the state's interest
10 in promoting adoption by preferring adoption over abortion.

11 ~~(c)~~ (3) Materials that contain objective information
12 describing the methods of abortion procedures commonly used,
13 the medical risks commonly associated with each such procedure,
14 and the possible detrimental physical and psychological effects
15 of abortion.

16 ~~2.~~ 3. Compliance with the prerequisites of [this section](#)
17 shall not apply to an abortion performed in a medical
18 emergency.

19 ~~3.~~ 4. A physician who violates [this section](#) is subject to
20 licensee discipline pursuant to [section 148.6](#). A qualified
21 technician who violates this section is subject to licensee
22 discipline by the applicable licensing or accrediting
23 authority.

24 ~~4.~~ 5. [This section](#) shall not be construed to impose
25 civil or criminal liability on a woman upon whom an abortion
26 is performed, or to prohibit the sale, use, prescription, or
27 administration of a measure, drug, or chemical designed for the
28 purposes of contraception.

29 ~~5.~~ 6. The board of medicine shall adopt rules pursuant to
30 chapter 17A to administer [this section](#).

31 ~~6.~~ 7. As used in [this section](#):

32 a. "Auscultate" means to examine by listening for sounds
33 made by internal organs of the unborn child, specifically for a
34 fetal heartbeat utilizing an ultrasound transducer or a fetal
35 heart rate monitor.

1 b. "Fetal heartbeat" means cardiac activity, the steady and
2 repetitive rhythmic contraction of the fetal heart within the
3 gestational sac.

4 ~~a.~~ c. "Medical emergency" means a situation in which an
5 abortion is performed to preserve the life of the pregnant
6 woman whose life is endangered by a physical disorder, physical
7 illness, or physical injury, including a life-endangering
8 physical condition caused by or arising from the pregnancy, but
9 not including psychological conditions, emotional conditions,
10 familial conditions, or the woman's age; or when continuation
11 of the pregnancy will create a serious risk of substantial
12 and irreversible impairment of a major bodily function of the
13 pregnant woman.

14 d. "Obstetric ultrasound" or "ultrasound" means the use
15 of ultrasonic waves for diagnostic or therapeutic purposes,
16 specifically to monitor a developing unborn child.

17 e. "Qualified technician" means a diagnostic medical
18 sonographer who is certified in obstetric and gynecological
19 sonography by the American registry of diagnostic medical
20 sonography; or a nurse midwife or an advanced registered nurse
21 practitioner licensed under chapter 152 or an advanced practice
22 registered nurse licensed under chapter 152E in obstetrics,
23 with a certification in obstetrical sonography.

24 ~~b.~~ f. "Unborn child" means an individual organism of the
25 species homo sapiens from fertilization to live birth.

26 EXPLANATION

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

29 This bill relates to ultrasound prerequisites for abortion.
30 Current law requires as one of the prerequisites to an
31 abortion that a physician performing an abortion shall
32 obtain written certification from the pregnant woman of the
33 following, relating to an ultrasound, at least 72 hours prior
34 to performing an abortion: that the woman has undergone
35 an ultrasound imaging of the unborn child that displays

1 the approximate age of the unborn child; that the woman was
2 given the opportunity to see the unborn child by viewing the
3 ultrasound image of the unborn child; and that the woman was
4 given the option of hearing a description of the unborn child
5 based on the ultrasound image and hearing the heartbeat of the
6 unborn child.

7 The bill replaces these prerequisites relating to an
8 ultrasound and instead requires that a physician, or a
9 qualified technician to whom the physician has delegated the
10 responsibility, shall comply with certain requirements prior
11 to a woman providing informed consent to any part of the
12 performance of an abortion. The requirements include that
13 the physician or qualified technician perform an obstetric
14 ultrasound on the pregnant woman; provide a simultaneous
15 explanation of what the ultrasound is depicting, including the
16 presence and location of the unborn child within the uterus and
17 the number of unborn children depicted, and if the ultrasound
18 image indicates fetal demise has occurred, inform the woman
19 of the fetal demise; display the ultrasound images so that
20 the pregnant woman may view the images; auscultate the fetal
21 heartbeat of the unborn child so that the pregnant woman may
22 hear the heartbeat if the heartbeat is audible; provide a
23 medical description of the ultrasound images including the
24 dimensions of the unborn child and the presence of external
25 members and internal organs of the unborn child, if present and
26 viewable; and obtain and retain in the pregnant woman's medical
27 file written certification from the pregnant woman that an
28 ultrasound was performed on the pregnant woman and the pregnant
29 woman has viewed the ultrasound images, listened to the fetal
30 heartbeat if the heartbeat is audible, or declined to do so.

31 The bill provides that when the ultrasound images and fetal
32 heartbeat sounds are provided to and reviewed with the pregnant
33 woman, nothing in the bill shall be construed to prevent the
34 pregnant woman from averting the pregnant woman's eyes from
35 the ultrasound images or requesting the volume of the fetal

1 heartbeat be reduced or turned off if the fetal heartbeat is
2 audible. The physician and the pregnant woman shall not be
3 subject to any penalty if the pregnant woman refuses to view
4 the displayed ultrasound images or to listen to the fetal
5 heartbeat if the fetal heartbeat is audible.

6 The bill revises the remaining prerequisite provisions
7 relating to the provision of certain information to the
8 pregnant woman to retain the requirement that the prerequisites
9 be completed at least 72 hours prior to the performing of an
10 abortion.

11 The bill provides definitions for "auscultate", "fetal
12 heartbeat", "qualified technician", and "ultrasound".

13 Under current law, a physician who violates the bill is
14 subject to licensee discipline. The bill provides that in
15 addition, a qualified technician who violates the bill is
16 subject to licensee discipline by the applicable licensing or
17 accrediting authority.