

House File 2389 - Introduced

HOUSE FILE 2389
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2119)

A BILL FOR

1 An Act relating to medication abortions including required
2 informed consent and the dispensing of abortion-inducing
3 drugs to patients within the state, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 146E.1 Definitions.

2 As used in this section, unless the context otherwise
3 requires:

4 1. "*Abortion*" means the termination of a human pregnancy
5 with the intent other than to produce a live birth or to remove
6 a dead fetus.

7 2. "*Abortion-inducing drug*" means a drug, medicine, mixture,
8 or preparation, when prescribed or administered with the intent
9 to terminate the pregnancy of a woman known to be pregnant.

10 "*Abortion-inducing drug*" includes mifepristone and misoprostol.

11 3. "*Department*" means the department of public health.

12 4. "*Dispense*" means relative to an abortion-inducing drug,
13 to deliver the abortion-inducing drug to the ultimate user.

14 5. "*Health care setting*" means a clinic, medical office, or
15 hospital.

16 6. "*Medical emergency*" means the same as defined in section
17 146B.1.

18 7. "*Medication abortion*" means an abortion performed by the
19 administration or use of an abortion-inducing drug.

20 8. "*Outpatient surgical facility*" means the same as defined
21 in section 135.61.

22 Sec. 2. NEW SECTION. 146E.2 Facility where medication
23 abortions performed — posting of signs.

24 1. A private office, freestanding outpatient surgical
25 facility, hospital, or other facility in which medication
26 abortions are performed shall conspicuously post a sign in
27 a location specified in this section, clearly visible to
28 patients, which reads as follows:

29 Recent developing research has indicated that a medication
30 abortion utilizing an abortion-inducing drug is not always
31 effective in ending a pregnancy. It may be possible to avoid,
32 cease, or even to reverse the intended effects of a medication
33 abortion that utilizes an abortion-inducing drug. Please
34 consult with a health care professional immediately.

35 2. The sign required pursuant to subsection 1 shall be

1 printed with lettering that is legible and shall be at least
2 three-quarters of an inch in boldface type.

3 3. A facility in which medication abortions are performed
4 that is a private office or a freestanding outpatient surgical
5 facility shall post the required sign in each patient waiting
6 room and patient consultation room used by patients on whom
7 medication abortions are performed. A hospital or any other
8 facility in which medication abortions are performed that
9 is not a private office or freestanding outpatient surgical
10 facility shall post the required sign in each patient admission
11 area used by patients on whom medication abortions are
12 performed.

13 Sec. 3. NEW SECTION. 146E.3 Medication abortion — informed
14 consent.

15 1. Except in the case of a medical emergency, in addition to
16 compliance with the prerequisites of chapter 146A, a physician
17 shall not perform or attempt to perform a medication abortion
18 unless the physician who will perform the medication abortion,
19 the referring physician, or an agent of either physician
20 obtains written certification from the pregnant woman that the
21 woman has been informed, by telephone or in person, prior to
22 the medication abortion of all of the following:

23 a. All of the risks commonly associated with a medication
24 abortion.

25 b. That it may be possible to reverse the intended effects
26 of a medication abortion if the woman changes her mind but that
27 time is of the essence.

28 c. That information on and assistance with reversing
29 the effects of a medication abortion is available on the
30 department's internet site.

31 2. Following the dispensing of an abortion-inducing drug,
32 the attending physician or an agent of the attending physician
33 shall provide written medical discharge instructions to the
34 woman which must include the following statement:

35 Recent developing research has indicated that a medication

1 abortion utilizing an abortion-inducing drug is not always
2 effective in ending a pregnancy. It may be possible to avoid,
3 cease, or even to reverse the intended effects of a medication
4 abortion that utilizes an abortion-inducing drug. Please
5 consult with a health care professional immediately.

6 3. The attending physician or an agent of the attending
7 physician shall maintain documentation verifying compliance
8 with this section in the woman's medical record.

9 Sec. 4. NEW SECTION. 146E.4 **Informational materials.**

10 The department shall publish and shall make available
11 on the department's internet site, materials designed to
12 inform a woman of the possibility of reversing the effects
13 of a medication abortion if the woman changes her mind, and
14 information on and assistance with resources that may be
15 available to help reverse the effects of a medication abortion.

16 Sec. 5. NEW SECTION. 146E.5 **Dispensing of mifepristone.**

17 A person shall not dispense mifepristone to a patient in this
18 state for use by such patient in inducing a medication abortion
19 unless the mifepristone is dispensed directly to such patient
20 in a health care setting.

21 Sec. 6. NEW SECTION. 146E.6 **Licensee discipline — penalty.**

22 1. Failure of a physician to comply with this chapter is
23 grounds for licensee discipline under chapter 148.

24 2. A person who intentionally, knowingly, or recklessly
25 violates section 146E.5 is guilty of a serious misdemeanor.

26 Sec. 7. NEW SECTION. 146E.7 **Construction.**

27 This chapter shall not be construed to create or recognize a
28 right to an abortion or to impose civil or criminal liability
29 on a woman upon whom an abortion is performed.

30 EXPLANATION

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

33 This bill relates to medication abortions.

34 The bill requires a private office, freestanding outpatient
35 surgical facility, hospital, or other facility in which

1 medication abortions are performed to conspicuously post a
2 sign in a location as described in the bill relating to the
3 effectiveness and possibility of avoiding, ceasing, or even
4 reversing the effects of a medication abortion.

5 The bill requires that, except in the case of a medical
6 emergency, in addition to compliance with the abortion
7 prerequisites of Code chapter 146A, a physician shall not
8 perform or attempt to perform a medication abortion unless
9 the physician who will perform the medication abortion,
10 the referring physician, or an agent of either physician
11 obtains written certification from the pregnant woman. The
12 written certification shall provide that the woman has been
13 informed, by telephone or in person, prior to the medication
14 abortion, of all of the risks commonly associated with a
15 medication abortion, that it may be possible to reverse
16 the intended effects of a medication abortion if the woman
17 changes her mind but that time is of the essence, and that
18 information on and assistance with reversing the effects of a
19 medication abortion is available on the department of public
20 health's (DPH) internet site. Following the dispensing of an
21 abortion-inducing drug, the attending physician or an agent of
22 the attending physician shall provide written medical discharge
23 instructions to the woman which must include the statement
24 specified in the bill.

25 The bill requires DPH to publish and to make available
26 on DPH's internet site, materials designed to inform a woman
27 of the possibility of reversing the effects of a medication
28 abortion if the woman changes her mind, and information on and
29 assistance with the resources that may be available to help
30 reverse the effects of a medication abortion.

31 The bill also prohibits a person from dispensing
32 mifepristone to a patient in this state for use by such patient
33 in inducing a medication abortion unless the mifepristone is
34 dispensed directly to such patient in a health care setting.

35 Failure of a physician to comply with the bill is grounds for

1 licensee discipline.

2 A person who intentionally, knowingly, or recklessly
3 violates the provisions of the bill relating to dispensing of
4 mifepristone is guilty of a serious misdemeanor. A serious
5 misdemeanor is punishable by confinement for no more than one
6 year and a fine of at least \$430 but not more than \$2,560.

7 The bill also provides that the bill shall not be construed
8 to create or recognize a right to an abortion or to impose
9 civil or criminal liability on a woman upon whom an abortion
10 is performed.