

**House File 383 - Introduced**

HOUSE FILE 383  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HF 53)

**A BILL FOR**

1 An Act relating to informed consent for medication abortions,  
2 and providing penalties.  
3 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. "*Medical emergency*" means the same as defined in section  
13 146B.1.

14 5. "*Medication abortion*" means an abortion induced by an  
15 abortion-inducing drug.

16 6. "*Outpatient surgical facility*" means the same as defined  
17 in section 135.61.

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

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

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

31 2. The sign required pursuant to subsection 1 shall be  
32 printed with lettering that is legible and shall be at least  
33 three-quarters of an inch in boldface type.

34 3. A facility in which medication abortions are performed  
35 that is a private office or a freestanding outpatient surgical

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

9     Sec. 3. NEW SECTION. 146E.3 Medication abortion — informed  
10 consent.

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

19     *a.* All of the risks commonly associated with a medication  
20 abortion.

21     *b.* That it may be possible to reverse the intended effects  
22 of a medication abortion if the woman changes her mind but that  
23 time is of the essence.

24     *c.* That information on and assistance with reversing  
25 the effects of a medication abortion is available on the  
26 department's internet site.

27     2. Following the dispensing of an abortion-inducing drug,  
28 the attending physician or an agent of the attending physician  
29 shall provide written medical discharge instructions to the  
30 woman which must include the following statement:

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

1 consult with a health care professional immediately.

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

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

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

12 Sec. 5. NEW SECTION. 146E.5 **Licensee discipline.**

13 Failure of a physician to comply with this chapter is grounds  
14 for licensee discipline under chapter 148.

15 EXPLANATION

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

18 This bill relates to informed consent for medication  
19 abortions.

20 A medication abortion is defined in the bill as an abortion  
21 induced by an abortion-inducing drug, defined as a drug,  
22 medicine, mixture, or preparation, when it is prescribed or  
23 administered with the intent to terminate the pregnancy of a  
24 woman known to be pregnant. An abortion-inducing drug includes  
25 mifepristone and misoprostol.

26 The bill requires a private office, freestanding outpatient  
27 surgical facility, hospital, or other facility in which  
28 medication abortions are performed to conspicuously post a  
29 sign in a location as described in the bill relating to the  
30 effectiveness and possibility of avoiding, ceasing, or even  
31 reversing the effects of a medication abortion.

32 The bill requires that, except in the case of a medical  
33 emergency, in addition to compliance with the abortion  
34 prerequisites of Code chapter 146A, a physician shall not  
35 perform or attempt to perform a medication abortion unless

1 the physician who will perform the medication abortion,  
2 the referring physician, or an agent of either physician  
3 obtains written certification from the pregnant woman. The  
4 written certification shall provide that the woman has been  
5 informed, by telephone or in person, prior to the medication  
6 abortion, of all of the risks commonly associated with a  
7 medication abortion, that it may be possible to reverse  
8 the intended effects of a medication abortion if the woman  
9 changes her mind but that time is of the essence, and that  
10 information on and assistance with reversing the effects of a  
11 medication abortion is available on the department of public  
12 health's (DPH) internet site. Following the dispensing of an  
13 abortion-inducing drug, the attending physician or an agent of  
14 the attending physician shall provide written medical discharge  
15 instructions to the woman which must include the statement  
16 specified in the bill.

17 The bill requires DPH to publish and to make available  
18 on DPH's internet site, materials designed to inform a woman  
19 of the possibility of reversing the effects of a medication  
20 abortion if the woman changes her mind, and information on and  
21 assistance with the resources that may be available to help  
22 reverse the effects of a medication abortion.

23 Failure of a physician to comply with the bill is grounds for  
24 licensee discipline under Code chapter 148.