

House File 53 - Introduced

HOUSE FILE 53

BY LUNDGREN

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.