A BILL FOR

1 An Act relating to informed consent for medication abortions, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 146E.1 Definitions.

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

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

2. "Abortion-inducing drug" means a drug, medicine, mixture, or preparation, when prescribed or administered with the intent to terminate the pregnancy of a woman known to be pregnant. "Abortion-inducing drug" includes mifepristone and misoprostol.

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

4. "Medical emergency" means the same as defined in section 146B.1.

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

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

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

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

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

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

3. A facility in which medication abortions are performed 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.

Sec. 3. NEW SECTION. 146E.3 Medication abortion — informed
9 consent.
10 1. Except in the case of a medical emergency, in addition to
11 compliance with the prerequisites of chapter 146A, a physician
12 shall not perform or attempt to perform a medication abortion
13 unless the physician who will perform the medication abortion,
14 the referring physician, or an agent of either physician
15 obtains written certification from the pregnant woman that the
16 woman has been informed, by telephone or in person, prior to
17 the medication abortion of all of the following:
18 a. All of the risks commonly associated with a medication
19 abortion.
20 b. That it may be possible to reverse the intended effects
21 of a medication abortion if the woman changes her mind but that
22 time is of the essence.
23 c. That information on and assistance with reversing
24 the effects of a medication abortion is available on the
25 department’s internet site.
26 2. Following the dispensing of an abortion-inducing drug,
27 the attending physician or an agent of the attending physician
28 shall provide written medical discharge instructions to the
29 woman which must include the following statement:
30 Recent developing research has indicated that a medication
31 abortion utilizing an abortion-inducing drug is not always
32 effective in ending a pregnancy. It may be possible to avoid,
33 cease, or even to reverse the intended effects of a medication
34 abortion that utilizes an abortion-inducing drug. Please
consult with a health care professional immediately.

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

Sec. 4. NEW SECTION. 146E.4 Informational materials.
The department shall publish and shall make available
on the department's internet site, materials designed to
inform a woman of the possibility of reversing the effects
of a medication abortion if the woman changes her mind, and
information on and assistance with resources that may be
available to help reverse the effects of a medication abortion.

Sec. 5. NEW SECTION. 146E.5 Licensee discipline.
Failure of a physician to comply with this chapter is grounds
for licensee discipline under chapter 148.

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

This bill relates to informed consent for medication
abortions.

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

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

The bill requires that, except in the case of a medical
emergency, in addition to compliance with the abortion
prerequisites of Code chapter 146A, a physician shall not
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.