

Senate File 2029 - Introduced

SENATE FILE 2029

BY CARLIN

A BILL FOR

1 An Act relating to the postfertilization age of an unborn child
2 relative to an abortion, and making licensee discipline and
3 civil penalties applicable.

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

1 Section 1. Section 146B.2, subsection 2, paragraph a, Code
2 2022, is amended to read as follows:

3 a. A physician shall not perform or attempt to perform an
4 abortion upon a pregnant woman when it has been determined, by
5 the physician performing the abortion or by another physician
6 upon whose determination that physician relies, that the
7 probable postfertilization age of the unborn child is ~~twenty~~
8 twelve or more weeks unless, in the physician's reasonable
9 medical judgment, any of the following applies:

10 (1) The pregnant woman has a condition which the physician
11 deems a medical emergency.

12 (2) The abortion is necessary to preserve the life of an
13 unborn child.

14 Sec. 2. Section 146B.2, subsection 3, paragraphs c and d,
15 Code 2022, are amended to read as follows:

16 c. If the probable postfertilization age of the unborn child
17 was determined to be ~~twenty~~ twelve or more weeks, the basis of
18 the determination of a medical emergency, or the basis of the
19 determination that the abortion was necessary to preserve the
20 life of an unborn child.

21 d. The method used for the abortion and, in the case of
22 an abortion performed when the probable postfertilization age
23 was determined to be ~~twenty~~ twelve or more weeks, whether
24 the method of abortion used was one that, in the physician's
25 reasonable medical judgment, provided the best opportunity for
26 an unborn child to survive or, if such a method was not used,
27 the basis of the determination that termination of the human
28 pregnancy in that manner would pose a greater risk than would
29 any other available method of the death of the pregnant woman
30 or of the substantial and irreversible physical impairment of a
31 major bodily function.

32 EXPLANATION

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

35 This bill amends Code chapter 146B (abortion —

1 postfertilization age) to provide that a physician shall not
2 perform or attempt to perform an abortion upon a pregnant woman
3 when it has been determined, by the physician performing the
4 abortion or by another physician upon whose determination that
5 physician relies, that the probable postfertilization age of
6 the unborn child is 12 or more weeks rather than 20 or more
7 weeks as provided in current law, unless, in the physician's
8 reasonable medical judgment, the pregnant woman has a condition
9 which the physician deems a medical emergency, or the abortion
10 is necessary to preserve the life of an unborn child.

11 The provisions under current law relating to civil actions
12 and licensee discipline for violation of the Code chapter
13 continue to apply to a physician who violates the bill.
14 These include that failure of a physician to comply with
15 any provision of the chapter with the exception of the late
16 filing of a report or failure to submit a complete report
17 in compliance with a court order, is grounds for licensee
18 discipline under Code chapter 148; that a woman upon whom
19 an abortion has been performed or has been attempted in
20 violation of the Code chapter may maintain an action against
21 the physician who performed or attempted the abortion in
22 intentional or reckless violation of the Code chapter for
23 actual damages; and that a woman and specified others may
24 maintain a cause of action for injunctive relief to prevent
25 a physician from performing an abortion if the physician
26 intentionally violated the Code chapter.