

House File 510 - Introduced

HOUSE FILE 510

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A BILL FOR

1 An Act relating to the Iowa human life protection Act,
2 providing for civil actions and civil penalties, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. FINDINGS.

2 1. The general assembly acknowledges that all human beings
3 are created equal and endowed by their creator with certain
4 unalienable rights, the foremost of which is the right to life.

5 2. The life of every human being begins at fertilization
6 when a male sperm fuses with a female egg resulting in a
7 single-celled human called a zygote. The union of the male
8 and female deoxyribonucleic acid during fertilization restores
9 the number of chromosomes needed to create a new human being.
10 The Carnegie stages of human development, numbered one to
11 twenty-three, is the accepted standard of embryological
12 development used by biologists to describe the physical
13 features of the human being, with the first stage marked by the
14 moment of fertilization through sperm-egg fusion and the last
15 stage at an estimated postfertilization age of eight weeks when
16 over ninety percent of the more than four thousand five hundred
17 named body structures are present.

18 3. The state of Iowa has a fundamental and compelling
19 interest in protecting the life of every human being from the
20 moment of fertilization.

21 4. Abortion is a murderous act of violence that purposefully
22 and knowingly terminates a human life in the womb.

23 5. Unborn human beings are entitled to the full and equal
24 protection of the laws that prohibit violence against other
25 human beings.

26 6. The United States Supreme Court's ruling in *Dobbs v.*
27 *Jackson Women's Health Organization*, No. 19-1392, 597 U.S. ____
28 (2022), correctly overruled the lawless and unconstitutional
29 pronouncements in *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned*
30 *Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S.
31 833 (1992), which had invented and perpetuated a supposed
32 constitutional right to abortion that cannot be found anywhere
33 in the text of the Constitution of the United States.

34 7. It is a federal crime pursuant to 18 U.S.C. §1461 to
35 mail abortion pills or to receive them in the mail, punishable

1 by imprisonment for five years. It is also a federal crime
2 to transport abortion pills in interstate or foreign commerce
3 pursuant to 18 U.S.C. §1462(c). These statutes are fully
4 enforceable now that *Roe v. Wade*, 410 U.S. 113 (1973), has been
5 overruled. The statute of limitations for each of these crimes
6 is five years.

7 8. Violations of 18 U.S.C. §1461 and §1462 are predicate
8 offenses under the federal Racketeer Influenced and Corrupt
9 Organizations Act (RICO), which exposes abortion pill
10 distribution networks and their donors to civil RICO liability
11 as well as criminal prosecution as a racketeering enterprise
12 under 18 U.S.C. §1961.

13 9. The general assembly calls upon the United States
14 attorneys for the northern and southern districts of Iowa to
15 investigate and prosecute every abortion pill distribution
16 network under 18 U.S.C. §1461 and §1462 and RICO.

17 Sec. 2. NEW SECTION. 146E.1 Short title.

18 This chapter shall be known, and may be cited, as the "*Iowa*
19 *Human Life Protection Act*".

20 Sec. 3. NEW SECTION. 146E.2 Definitions.

21 As used in this chapter, unless the context otherwise
22 requires:

23 1. "*Abortion fund*" means a person that exists for the
24 purpose of aiding or abetting elective abortions, and that pays
25 for, reimburses, or subsidizes in any way the costs associated
26 with obtaining an elective abortion.

27 2. "*Abortion-inducing drug*" means mifepristone, misoprostol,
28 and any other medicine, drug, or other substance that is
29 prescribed, dispensed, distributed, possessed, or used with the
30 intent of terminating a clinically diagnosable pregnancy, with
31 knowledge that the termination will with reasonable likelihood
32 cause the death of the unborn child. "*Abortion-inducing*
33 *drug*" includes the off-label use of drugs known to have
34 abortion-inducing properties which are prescribed, dispensed,
35 distributed, possessed, or used specifically with the

1 intent of terminating a clinically diagnosable pregnancy.

2 "*Abortion-inducing drug*" does not include any of the following:

3 *a.* Levenorgestrel, also known as plan b one-step or the
4 morning-after pill, intrauterine devices, or any other type of
5 contraception or emergency contraception.

6 *b.* Drugs that may be known to cause an abortion, but which
7 are prescribed, dispensed, distributed, possessed, or used for
8 a purpose that does not include the termination of a clinically
9 diagnosable pregnancy.

10 3. "*Abortion provider*" means a person who performs elective
11 abortions.

12 4. "*Affiliate*" means a person that with another person
13 enters into a legal relationship created or governed by at
14 least one written instrument, including a certificate of
15 formation, a franchise agreement, standards of affiliation,
16 bylaws, or a license, that demonstrates any of the following:

17 *a.* Common ownership, management, or control between the
18 parties to the relationship.

19 *b.* A franchise granted by the person or entity to the
20 affiliate.

21 *c.* The granting or extension of a license or other agreement
22 authorizing the affiliate to use the other person's brand name,
23 trademark, service mark, or other registered identification
24 mark.

25 5. "*Aiding or abetting*" or "*aid or abet*" means the same as
26 defined in section 703.1.

27 6. "*Attempt*" or "*attempts*" relating to an elective abortion
28 means an act, or an omission of a statutorily required act,
29 that, under the circumstances as the actor believes them to be,
30 constitutes a substantial step in a course of conduct planned
31 to culminate in the performance of an elective abortion.

32 7. "*Elective abortion*" means the act of using, prescribing,
33 administering, procuring, or selling any instrument, medicine,
34 drug, or any other substance, device, or means with the purpose
35 of terminating a clinically diagnosed pregnancy of a woman,

1 with knowledge that the termination by any of those means will,
2 with reasonable likelihood, cause the death of an unborn child.

3 "*Elective abortion*" does not include any of the following:

4 *a.* In vitro fertilization or fertility treatments of any
5 type.

6 *b.* The use, prescription, administration, procuring, or
7 selling of levenorgestrel, also known as plan b one-step or the
8 morning-after pill, intrauterine devices, or any other type of
9 contraception or emergency contraception.

10 *c.* An act performed with the intent to do any of the
11 following:

12 (1) Save the life or preserve the health of an unborn child.

13 (2) Remove a dead unborn child as the result of a
14 spontaneous abortion, commonly known as a miscarriage.

15 (3) Remove or treat an ectopic pregnancy.

16 (4) Treat a physiological condition which the physician
17 deems, in the physician's reasonable medical judgment, to be a
18 medical emergency.

19 *d.* A spontaneous abortion, commonly known as a miscarriage.

20 *e.* Medical treatment provided to a pregnant woman by a
21 licensed physician if the intent of the medical treatment is
22 not to cause an elective abortion, even if that treatment
23 results in the accidental death of, or unintentional injury to
24 or death of, the unborn child.

25 *f.* A medically indicated separation procedure.

26 8. "*Fertilization*" means the fusion of a human spermatozoon
27 with a human ovum.

28 9. "*Governmental entity*" means this state, a state agency
29 in the executive, judicial, or legislative branch of state
30 government of this state, or a political subdivision of this
31 state.

32 10. "*Information content provider*" means a person that
33 is responsible, in whole or in part, for the creation or
34 development of information provided through the internet or any
35 other interactive computer service.

1 11. *"Interactive computer service"* means any information
2 service, system, or access software provider that provides or
3 enables computer access by multiple users to a computer server,
4 including specifically a service or system that provides access
5 to the internet and such systems operated or services offered
6 by libraries or educational institutions.

7 12. *"Major bodily function"* includes but is not limited
8 to functions of the immune system, normal cell growth, and
9 digestive, bowel, bladder, neurological, brain, respiratory,
10 circulatory, endocrine, and reproductive functions.

11 13. *"Medical emergency"* means a situation in which a
12 medically indicated separation procedure or treatment for
13 a physiological condition is performed due to any of the
14 following:

15 a. To preserve the life of a pregnant woman whose life
16 is endangered by a physical disorder, physical illness, or
17 physical injury, or a life-endangering physical condition
18 caused by or arising from the pregnancy including an ectopic
19 pregnancy, but not including psychological conditions,
20 emotional conditions, familial conditions, or the woman's age.

21 b. When continuation of the pregnancy will create a serious
22 risk of substantial and irreversible impairment of a major
23 bodily function of a pregnant woman.

24 14. *"Medically indicated separation procedure"* means
25 a medical intervention, the purpose of which is not to
26 terminate a clinically diagnosed pregnancy of a woman, that is
27 necessitated by a medical emergency. A *"medically indicated
28 separation procedure"* is not an elective abortion.

29 15. *"Perform"*, *"performance"*, *"performed"*, *"performs"*, or
30 *"performing"*, relative to an elective abortion, means the use
31 of any means, including surgical or abortion-inducing drugs,
32 to terminate a clinically diagnosed pregnancy with the intent
33 other than to produce a live birth or to remove a dead fetus.

34 16. *"Person"* means the same as defined in section 4.1.

35 17. *"Policy"* includes a formal, written rule, policy,

1 procedure, regulation, order, ordinance, motion, resolution, or
2 amendment and an informal, unwritten policy.

3 18. "*Political subdivision*" means a city, county, township,
4 or school district.

5 19. "*Pregnant*" means the human female reproductive condition
6 of having a living unborn child within the human female's
7 uterus.

8 20. "*Taxpayer resource transaction*" means a sale, purchase,
9 lease, donation of money, goods, services, or real property,
10 or any other transaction between a governmental entity and a
11 private entity that provides to the private entity something of
12 value derived from state or local tax revenue, regardless of
13 whether the governmental entity receives something of value in
14 return. "*Taxpayer resource transaction*" includes advocacy or
15 lobbying by or on behalf of a governmental entity on behalf of
16 the interests of an abortion provider or affiliate but does not
17 include any of the following:

18 a. The provision of basic public services, including fire
19 and police protection and utilities, by a governmental entity
20 to an abortion fund, abortion provider, or an affiliate of an
21 abortion provider in the same manner as the entity provides the
22 services to the general public.

23 b. An officer or employee of a governmental entity providing
24 information to a member of the general assembly or appearing
25 before a legislative committee at the request of the member or
26 committee.

27 c. An elected official advocating for or against or
28 otherwise influencing or attempting to influence the outcome of
29 legislation pending before the general assembly while acting in
30 the capacity of an elected official.

31 d. An individual communicating as a private citizen on a
32 matter of public concern.

33 21. "*Unborn child*" means an individual organism of the
34 species homo sapiens from fertilization to live birth.

35 22. "*Woman*" or "*women*" includes every person whose

1 biological sex is female, including every person born with XX
2 chromosomes and a uterus, regardless of any gender identity
3 that the person attempts to assert or claim.

4 Sec. 4. NEW SECTION. 146E.3 Elective abortion —
5 prohibitions — exceptions — exclusive qui tam enforcement.

6 1. A person shall not knowingly use, employ, or administer
7 any drug, instrument, device, means, or procedure upon a
8 pregnant woman with the specific intent to cause an elective
9 abortion.

10 2. A person shall not knowingly aid or abet the conduct
11 described in subsection 1.

12 3. The prohibitions in this section shall apply if any
13 portion of the prohibited conduct or elective abortion occurs
14 in the state or within the jurisdiction of the state.

15 4. *a.* Notwithstanding any other law to the contrary, the
16 requirements of this section shall be enforced exclusively
17 through the qui tam actions described in sections 146E.7 and
18 146E.8.

19 *b.* Direct or indirect enforcement of this section shall not
20 be taken or threatened by a governmental entity or an officer
21 or employee of a governmental entity against a person by any
22 means, and a violation of this section shall not be used to
23 justify or trigger the enforcement of any other law or any type
24 of adverse consequence under any other law, except as provided
25 in sections 146E.7 and 146E.8.

26 *c.* This section does not preclude or limit the enforcement
27 of any other law or regulation against conduct that is
28 independently prohibited by such other law or regulation and
29 that would remain prohibited by such other law or regulation
30 in the absence of this section.

31 5. Notwithstanding any other law to the contrary, the
32 prohibitions in this section shall not apply to any of the
33 following:

34 *a.* Speech or conduct protected by the first amendment to the
35 Constitution of the United States, as made applicable to the

1 states through the United States supreme court interpretations
2 of the fourteenth amendment to the Constitution of the United
3 States, or by Article I, section 7, of the Constitution of the
4 State of Iowa.

5 *b.* Conduct that the state is forbidden to regulate under
6 federal law or the Constitution of the United States.

7 *c.* The provision of basic public services, including fire
8 and police protection and utilities, by a governmental entity
9 or a common carrier to an abortion provider, an abortion fund,
10 or an affiliate of an abortion provider or abortion fund in
11 the same manner as the governmental entity or common carrier
12 provides those services to the general public.

13 *d.* Conduct taken at the behest of a federal agency,
14 contractor, or employee that is carrying out duties under
15 federal law, if a prohibition on that conduct would violate the
16 doctrine of preemption or intergovernmental immunity.

17 **Sec. 5. NEW SECTION. 146E.4 Liability for wrongful death**
18 **and personal injuries — elective abortion.**

19 1. Notwithstanding any other law to the contrary, a person
20 who violates section 146E.3 shall be subject to all of the
21 following:

22 *a.* Joint and several liability for the wrongful death of an
23 unborn child who dies from the elective abortion.

24 *b.* Strict, and joint and several liability for all of the
25 following:

26 (1) The wrongful death of a pregnant woman or formerly
27 pregnant woman who dies from the elective abortion.

28 (2) Any personal injuries suffered by an unborn child or
29 pregnant woman or formerly pregnant woman from the elective
30 abortion.

31 2. Notwithstanding any other law to the contrary, including
32 section 633.336, a surviving parent of an unborn child who was
33 aborted in violation of section 146E.3 may maintain an action
34 for wrongful death against a person who knowingly violated
35 section 146E.3 resulting in the wrongful death of the unborn

1 child.

2 3. A lawsuit shall not be brought under subsection 1 against
3 or by any of the following:

4 a. Against a pregnant woman or formerly pregnant woman
5 who aborted or attempted to abort the pregnant woman's unborn
6 child.

7 b. Against a person that acted at the behest of a federal
8 agency, contractor, or employee that is carrying out duties
9 under federal law, if the imposition of liability would violate
10 the doctrine of preemption or intergovernmental immunity.

11 c. By a person who through an act of sexual assault or
12 incest impregnated the pregnant woman or formerly pregnant
13 woman.

14 d. Against a provider or user of an interactive computer
15 service if such a lawsuit would be preempted by 47 U.S.C.
16 §230(c).

17 4. A plaintiff who prevails in a personal injury or wrongful
18 death lawsuit under this section is entitled to recover all of
19 the following:

20 a. Compensatory damages, including but not limited to
21 damages for medical expenses, pain and suffering, and emotional
22 distress.

23 b. Court costs and reasonable attorney fees.

24 c. Punitive damages of not less than one hundred thousand
25 dollars.

26 5. Notwithstanding any other law to the contrary, if a
27 plaintiff who brings suit under this section in response to
28 a drug-induced abortion is unable to identify the specific
29 manufacturer of the abortion-inducing drug that caused the
30 death or injury, liability shall be apportioned among all
31 manufacturers of abortion-inducing drugs in proportion to each
32 manufacturer's share of the market for abortion-inducing drugs.

33 6. Notwithstanding any other law to the contrary, a person
34 may bring an action under this section no later than six years
35 from the date the cause of action accrues.

1 7. Any waiver or purported waiver of the right to sue under
2 this section shall be void as against public policy and shall
3 not be enforceable in any court.

4 8. This section shall not be construed to impose liability
5 on speech or conduct protected by the first amendment to the
6 Constitution of the United States, as made applicable to the
7 states through the United States supreme court interpretations
8 of the fourteenth amendment to the Constitution of the United
9 States, or by Article I, section 7, of the Constitution of the
10 State of Iowa.

11 Sec. 6. NEW SECTION. 146E.5 Abortion-inducing drugs —
12 prohibitions — qui tam enforcement.

13 1. Except as provided in subsection 2, it shall be unlawful
14 for a person to do any of the following:

15 a. Manufacture, possess, or distribute abortion-inducing
16 drugs in the state.

17 b. Mail, transport, deliver, or provide abortion-inducing
18 drugs in any manner to or from a person or location in the
19 state.

20 c. Engage in any conduct that constitutes aiding and
21 abetting the manufacture, possession, distribution, mailing,
22 transporting, delivery, or provision of abortion-inducing
23 drugs.

24 2. Notwithstanding any other law to the contrary,
25 subsection 1 does not prohibit any of the following:

26 a. Speech or conduct protected by the first amendment to the
27 Constitution of the United States, as made applicable to the
28 states through the United States supreme court interpretations
29 of the fourteenth amendment to the Constitution of the United
30 States, or by Article I, section 7, of the Constitution of the
31 State of Iowa.

32 b. Conduct that the state is forbidden to regulate under
33 federal law or the Constitution of the United States.

34 c. Conduct taken at the behest of a federal agency,
35 contractor, or employee that is carrying out duties under

1 federal law, if a prohibition on that conduct would violate the
2 doctrine of preemption or intergovernmental immunity.

3 *d.* Conduct taken by a pregnant woman or formerly pregnant
4 woman who aborts or seeks to abort the woman's unborn child.

5 *e.* The manufacture, possession, distribution, mailing,
6 transporting, delivery, or provision of abortion-inducing drugs
7 for a purpose that does not include termination of a pregnancy.

8 *f.* The possession of abortion-inducing drugs related to an
9 effort to entrap a person that violates this section.

10 *g.* Any of the conduct described in section 146E.8,
11 subsection 1.

12 3. *a.* Notwithstanding any other law to the contrary, the
13 requirements of this section shall be enforced exclusively
14 through the qui tam actions described in sections 146E.7 and
15 146E.8.

16 *b.* Direct or indirect enforcement of this section shall not
17 be taken or threatened by a governmental entity or an officer
18 or employee of a governmental entity against a person, by any
19 means, and violation of this section shall not be used to
20 justify or trigger the enforcement of any other law or any type
21 of adverse consequence under any other law, except as provided
22 in sections 146E.7 and 146E.8.

23 *c.* This section does not preclude or limit the enforcement
24 of any other law or regulation against conduct that is
25 independently prohibited by such other law or regulation, and
26 that would remain prohibited by such other law or regulation
27 in the absence of this section.

28 **Sec. 7. NEW SECTION. 146E.6 Liability for wrongful death**
29 **and personal injuries — abortion-inducing drugs.**

30 1. Notwithstanding any other law to the contrary, a person
31 who manufactures, mails, distributes, transports, delivers,
32 or provides abortion-inducing drugs; or who aids or abets the
33 manufacture, mailing, distribution, transportation, delivery,
34 or provision of abortion-inducing drugs shall be strictly,
35 and jointly and severally liable for the wrongful death of

1 an unborn child or pregnant woman who dies from the use of
2 abortion-inducing drugs, and for any personal injuries suffered
3 by an unborn child or pregnant woman or formerly pregnant woman
4 from the use of abortion-inducing drugs.

5 2. Notwithstanding any other law to the contrary, including
6 section 633.336, the surviving parents of an unborn child
7 who was aborted in violation of section 146E.3 may maintain
8 an action for wrongful death against a person who knowingly
9 violated section 146E.3 resulting in the wrongful death of the
10 unborn child.

11 3. A lawsuit shall not be brought under subsection 1 against
12 or by any of the following:

13 a. Against a pregnant woman or formerly pregnant woman who
14 used or sought to obtain abortion-inducing drugs to abort or
15 attempt to abort her unborn child.

16 b. Against a person that acted at the behest of a federal
17 agency, contractor, or employee that is carrying out duties
18 under federal law, if the imposition of liability would violate
19 the doctrine of preemption or intergovernmental immunity.

20 c. By a person who, through an act of sexual assault or
21 incest, impregnated the woman who used abortion-inducing drugs.

22 d. Against a provider or user of an interactive computer
23 service if such a lawsuit would be preempted by 47 U.S.C.
24 §230(c).

25 4. A plaintiff who prevails in a personal injury or wrongful
26 death lawsuit under this section is entitled to recover all of
27 the following:

28 a. Compensatory damages, including but not limited to
29 damages for medical expenses, pain and suffering, and emotional
30 distress.

31 b. Court costs and reasonable attorney fees.

32 c. Punitive damages of not less than one hundred thousand
33 dollars.

34 5. Notwithstanding any other law to the contrary, if a
35 plaintiff who brings suit under this section in response to

1 a drug-induced abortion is unable to identify the specific
2 manufacturer of the abortion-inducing drug that caused the
3 death or injury, liability shall be apportioned among all
4 manufacturers of abortion-inducing drugs in proportion to each
5 manufacturer's share of the market for abortion-inducing drugs.

6 6. Notwithstanding any other law to the contrary, a person
7 may bring an action under this section no later than six years
8 from the date the cause of action accrues.

9 7. Any waiver or purported waiver of the right to sue under
10 this section shall be void as against public policy and shall
11 not be enforceable in any court.

12 8. a. It is an affirmative defense if a person sued under
13 this section was unaware that the person was engaged in the
14 conduct described in this section, and took every reasonable
15 precaution to ensure that the person would not manufacture,
16 mail, distribute, transport, deliver, provide, or aid or
17 abet the manufacture, mailing, distribution, transportation,
18 delivery, or provision of abortion-inducing drugs.

19 b. The defendant has the burden of proving an affirmative
20 defense under this subsection by a preponderance of the
21 evidence.

22 9. This section shall not be construed to impose liability
23 on speech or conduct protected by the first amendment to the
24 Constitution of the United States, as made applicable to the
25 states through the United States supreme court interpretations
26 of the fourteenth amendment to the Constitution of the United
27 States, or by Article I, section 7, of the Constitution of the
28 State of Iowa.

29 **Sec. 8. NEW SECTION. 146E.7 Qui tam enforcement for certain**
30 **violations.**

31 1. A person, other than a governmental entity or an officer
32 or employee of a governmental entity, has standing to bring and
33 may bring a qui tam action against a person that meets any of
34 the following conditions:

35 a. Violates any provision of section 146E.3, 146E.5, or

1 146E.14.

2 *b.* Intends to violate any provision of section 146E.3,
3 146E.5, or 146E.14.

4 2. Notwithstanding any other law to the contrary, an action
5 shall not be brought under this section against or by any of
6 the following:

7 *a.* Against the pregnant woman or formerly pregnant woman
8 upon whom an elective abortion was performed or induced or
9 attempted to be performed or induced in violation of this
10 chapter, or against a pregnant woman who intends to seek or who
11 seeks an elective abortion in violation of this chapter.

12 *b.* Against a person that performs, aids or abets, or
13 attempts to perform or aid or abet an elective abortion at
14 the behest of a federal agency, contractor, or employee that
15 is carrying out duties under federal law, if a prohibition on
16 elective abortion would violate the doctrine of preemption or
17 intergovernmental immunity.

18 *c.* Against a common carrier that transports a pregnant woman
19 to an abortion provider, if the common carrier is unaware that
20 the pregnant woman intends to abort the pregnant woman's unborn
21 child.

22 *d.* Against a provider or user of an interactive computer
23 service if such a lawsuit would be preempted by 47 U.S.C.
24 §230(c).

25 *e.* By a person who, through an act of sexual assault
26 or incest, impregnated a woman who is seeking an elective
27 abortion, or a person who acts in concert or participation with
28 the person who impregnated the woman.

29 3. An action under this section shall be brought in the name
30 of the person and of the state.

31 4. If a plaintiff prevails in an action brought under this
32 section, the court shall award all of the following:

33 *a.* Injunctive relief sufficient to prevent the defendant
34 from violating section 146E.3, 146E.5, or 146E.14.

35 *b.* Nominal and compensatory damages if the plaintiff has

1 suffered injury or harm from the defendant's conduct, including
2 but not limited to loss of consortium and emotional distress.

3 c. Civil penalties in an amount of not less than ten
4 thousand dollars for each violation of section 146E.3, 146E.5,
5 or 146E.14.

6 d. Court costs and reasonable attorney fees.

7 5. Notwithstanding subsection 4, a court shall not award
8 relief under subsection 4, paragraph "c" or "d", in response to
9 a violation of subsection 1, paragraph "a", if the defendant
10 demonstrates that a court has already ordered the defendant
11 to pay the full amount of civil penalties under subsection 4,
12 paragraph "c", in another action for that particular violation
13 of section 146E.3, 146E.5, or 146E.14.

14 6. Notwithstanding any other law to the contrary, a person
15 may bring an action under this section no later than six years
16 from the date the cause of action accrues.

17 7. It is an affirmative defense if a person sued under this
18 section was unaware that the person was engaged in conduct
19 described in section 146E.3, 146E.5, or 146E.14 and took every
20 reasonable precaution to ensure that the person would not
21 violate section 146E.3, 146E.5, or 146E.14.

22 8. This section shall not be construed to impose liability
23 on speech or conduct protected by the first amendment to the
24 Constitution of the United States, as made applicable to the
25 states through the United States supreme court interpretations
26 of the fourteenth amendment to the Constitution of the United
27 States, or by Article I, section 7, of the Constitution of the
28 State of Iowa.

29 9. Notwithstanding any other law to the contrary, a court
30 shall not award court costs or reasonable attorney fees to a
31 defendant under this section.

32 10. A person bringing an action under this section is
33 entitled to receive twenty-five percent of the civil penalties
34 recovered. The remainder of the recovered civil penalties
35 shall be paid to the state.

1 11. The state is not liable for expenses that a person
2 incurs in bringing an action under this section.

3 Sec. 9. NEW SECTION. 146E.8 **Qui tam enforcement —**
4 **interactive computer services.**

5 1. A person, other than a governmental entity or an officer
6 or employee of a governmental entity, has standing to bring and
7 may bring a qui tam action against a person that meets any of
8 the following conditions:

9 a. Provides or maintains an interactive computer service
10 that allows Iowa residents to access information or material
11 that assists or facilitates efforts to obtain elective
12 abortions or abortion-inducing drugs.

13 b. Provides or maintains a platform for downloading any
14 application or software for use on a computer or electronic
15 device that is designed to assist or facilitate efforts to
16 obtain elective abortions or abortion-inducing drugs.

17 c. Provides or maintains a platform that allows or enables
18 those who provide or aid or abet elective abortions, or those
19 who manufacture, mail, distribute, transport, deliver, or
20 provide abortion-inducing drugs, to collect money, digital
21 currency, resources, or any other thing of value in exchange
22 for such services.

23 2. An action under this section shall be brought in the name
24 of the person and the state.

25 3. Except as provided in subsection 4, if a plaintiff
26 prevails in an action brought under this section, the court
27 shall award only declaratory and injunctive relief. A court
28 shall not award damages in an action brought under this
29 section, even if the plaintiff demonstrates harm from the
30 defendant's conduct, nor shall a court award a prevailing
31 plaintiff court costs or reasonable attorney fees.

32 4. Relief shall not be awarded under subsection 3 if the
33 civil action was brought in response to any of the following:

34 a. The exercise of state or federal constitutional rights
35 that belong personally to the defendant.

1 *b.* Conduct taken at the behest of a federal agency,
2 contractor, or employee that is carrying out duties under
3 federal law, if the relief authorized under subsection 3
4 would violate the doctrine of preemption or intergovernmental
5 immunity.

6 *c.* Conduct taken by a pregnant woman or formerly pregnant
7 woman who aborted or attempted to abort such woman's unborn
8 child, if such woman is the named defendant in the civil
9 action.

10 5. *a.* It is an affirmative defense if a person who sued
11 under this section meets all of the following conditions:

12 (1) Was unaware that the person's interactive computer
13 service or platform was being used to assist or facilitate
14 efforts to obtain elective abortions or abortion-inducing
15 drugs.

16 (2) Upon discovering that the person's interactive computer
17 service or platform was being used to assist or facilitate
18 efforts to obtain elective abortions or abortion-inducing
19 drugs, the person took prompt action to block access to any
20 information, material, application, or software that assists
21 or facilitates efforts to obtain elective abortions or
22 abortion-inducing drugs; and to block those who provide or aid
23 or abet elective abortions and those who manufacture, mail,
24 distribute, transport, deliver, or provide abortion-inducing
25 drugs, from collecting money, digital currency, resources, or
26 any other thing of value in exchange for such services through
27 its interactive computer service or platform.

28 *b.* The defendant has the burden of proving an affirmative
29 defense under this subsection by a preponderance of the
30 evidence.

31 6. A person who engages in the conduct described under
32 subsection 1 shall not be subject to any of the following:

33 *a.* Held vicariously liable for any nominal, statutory, or
34 compensatory damages incurred by another information content
35 provider.

1 *b.* Held liable or legally responsible for the conduct of
2 a publisher or speaker of any information provided by another
3 information content provider.

4 *c.* Treated as the speaker or publisher of any information
5 provided by another information content provider under any
6 provision of state law.

7 7. *a.* Notwithstanding any other law to the contrary, the
8 requirements of this section shall be enforced exclusively
9 through the *qui tam* actions described in subsection 1.

10 *b.* Direct or indirect enforcement of this section shall
11 not be taken or threatened by a governmental entity or an
12 officer or employee of a governmental entity by any means,
13 and a violation of this section shall not be used to justify
14 or trigger the enforcement of any other law or any type of
15 adverse consequence under any other law, except as provided in
16 subsections 1, 2, and 3.

17 *c.* This section does not preclude or limit the enforcement
18 of any other law or regulation against conduct that is
19 independently prohibited by such other law or regulation, and
20 that would remain prohibited by such other law or regulation
21 in the absence of this section.

22 8. Notwithstanding any other law to the contrary, a provider
23 or user of an interactive computer service shall have absolute
24 and nonwaivable immunity from liability or suit on account of
25 any of the following:

26 *a.* An action taken to restrict access to or availability of
27 information or material that assists or facilitates access to
28 elective abortions or abortion-inducing drugs, whether or not
29 such information or material is constitutionally protected.

30 *b.* An action taken to enable or make available to
31 information content providers or others the technical means
32 to restrict access to information or material described in
33 paragraph "a".

34 *c.* A denial of service to those who provide or aid or abet
35 elective abortions, or those who manufacture, mail, distribute,

1 transport, deliver, or provide abortion-inducing drugs.

2 9. The state is not liable for expenses that a person incurs
3 in bringing an action under this section.

4 Sec. 10. NEW SECTION. **146E.9 Affirmative defenses.**

5 1. *a.* A defendant against whom an action is brought under
6 section 146E.6, 146E.7, or 146E.8 may assert an affirmative
7 defense to liability under this section if any of the following
8 conditions applies:

9 (1) The imposition of civil liability on the defendant
10 will violate federally protected rights, or state or federal
11 constitutional rights, that belong to the defendant personally.

12 (2) The defendant has standing to assert the rights
13 of a third party under the tests for third-party standing
14 established by the supreme court of the United States or the
15 supreme court, and demonstrates that the imposition of civil
16 liability on the defendant will violate federally protected
17 rights or state or federal constitutional rights belonging to
18 that third party.

19 (3) The imposition of civil liability on the defendant will
20 violate the Constitution of the State of Iowa.

21 (4) The imposition of civil liability on the defendant would
22 violate the limits on extraterritorial jurisdiction imposed by
23 the Constitution of the United States or the Constitution of
24 the State of Iowa.

25 *b.* The defendant has the burden of proving the affirmative
26 defense in subsection 1 by a preponderance of the evidence.

27 2. This section shall not limit or preclude a defendant
28 from asserting the unconstitutionality of any provision or
29 application of state law as a defense to liability under
30 section 146E.6, 146E.7, or 146E.8, or from asserting any other
31 defense that might be available under any other source of law.

32 3. Notwithstanding any other law, a court shall not apply
33 the law of another state or jurisdiction to any civil action
34 brought under section 146E.6, 146E.7, or 146E.8, unless
35 otherwise required by law.

1 Sec. 11. NEW SECTION. 146E.10 **Defenses not applicable.**

2 Notwithstanding any law to the contrary, none of the
3 following is a defense to an action brought under section
4 146E.4, 146E.6, or 146E.7:

5 1. Ignorance or mistake of law.

6 2. A defendant's belief that the requirements or provisions
7 of this chapter are unconstitutional or were unconstitutional
8 when the cause of action accrued.

9 3. A defendant's reliance on any court decision that
10 has been vacated, reversed, or overruled on appeal or by a
11 subsequent court, even if that court decision had not been
12 vacated, reversed, or overruled when the cause of action
13 accrued.

14 4. A defendant's reliance on any state or federal court
15 decision that is not binding on the court in which the action
16 has been brought.

17 5. A defendant's reliance on any federal statute, agency
18 rule or action, or treaty that has been repealed, superseded,
19 or declared invalid or unconstitutional, even if that federal
20 statute, agency rule or action, or treaty had not been
21 repealed, superseded, or declared invalid or unconstitutional
22 when the cause of action accrued.

23 6. Nonmutual issue preclusion or nonmutual claim
24 preclusion.

25 7. The consent of the plaintiff or the pregnant woman
26 or formerly pregnant woman, the consent of a parent of the
27 pregnant woman or formerly pregnant woman if such woman was an
28 unemancipated minor, or the consent of the legal guardian of
29 the pregnant woman or formerly pregnant woman to the elective
30 abortion.

31 8. Contributory or comparative negligence.

32 9. Assumption of risk.

33 10. Any claim that the enforcement of this chapter or
34 the imposition of civil liability against the defendant will
35 violate the constitutional rights of third parties, except as

1 provided by section 146E.9, subsection 1.

2 Sec. 12. NEW SECTION. 146E.11 **Venue.**

3 1. Notwithstanding any other law to the contrary, including
4 chapter 616, a civil action brought under section 146E.6,
5 146E.7, or 146E.8 may be brought in any of the following:

6 a. The county in which all or a substantial part of
7 the events or omissions giving rise to the cause of action
8 occurred.

9 b. The county of residence for any one of the natural person
10 defendants at the time the cause of action accrued.

11 c. The county of the principal office in this state of any
12 one of the defendants that is not a natural person.

13 d. The county of residence for the plaintiff if the
14 plaintiff is a natural person residing in the state.

15 2. If a civil action is brought under section 146E.6,
16 146E.7, or 146E.8 in any venue described in subsection 1, the
17 action shall not be transferred to a different venue without
18 the written consent of all parties.

19 Sec. 13. NEW SECTION. 146E.12 **Personal jurisdiction —**
20 **choice of law — class action lawsuits.**

21 1. Notwithstanding any other law to the contrary, including
22 section 617.3, the courts of this state shall have personal
23 jurisdiction over a defendant sued under section 146E.4,
24 146E.6, 146E.7, or 146E.8.

25 2. Notwithstanding any other law to the contrary, Iowa law
26 shall apply to any civil action brought under section 146E.4,
27 146E.6, 146E.7, or 146E.8.

28 3. Notwithstanding any other law to the contrary, including
29 rule of civil procedure 1.262, a civil action under this
30 section shall not be litigated on behalf of a plaintiff class
31 or a defendant class, and a court shall not certify a class
32 under rule of civil procedure 1.262 in any civil action brought
33 under section 146E.4, 146E.6, 146E.7, or 146E.8.

34 Sec. 14. NEW SECTION. 146E.13 **Protection from counter**
35 **lawsuits.**

1 If a lawsuit is brought or a judgment entered against a
2 person in any state or federal court, and the lawsuit or
3 liability in whole or in part is based on that person's
4 decision or threat to bring an action under section 146E.6,
5 146E.7, or 146E.8, that person may recover damages from a party
6 that brought the action, obtained the judgment, or sought to
7 enforce the judgment. Recoverable damages shall include all
8 of the following:

9 1. Compensatory damages created by the lawsuit or judgment
10 including but not limited to monetary damages in the amount
11 of the judgment, and court costs, expenses, and reasonable
12 attorney fees expended in defending the action.

13 2. Court costs, expenses, and reasonable attorney fees
14 incurred in bringing an action under this section.

15 3. Additional statutory damages in an amount of not less
16 than one hundred thousand dollars.

17 Sec. 15. NEW SECTION. 146E.14 **Government contractors and**
18 **grant recipients — qui tam liability.**

19 1. A person that enters into a contract with a governmental
20 entity or a subcontract with a contractor of a governmental
21 entity, or that receives any grant or funding from a
22 governmental entity shall not pay for, reimburse, or subsidize
23 in any way the costs associated with an elective abortion,
24 regardless of the person upon whom the elective abortion is
25 performed, where the elective abortion is performed, or the
26 law of the jurisdiction in which the elective abortion is
27 performed, including by engaging in any of the following acts:

28 a. Providing coverage of elective abortions as an employee
29 benefit.

30 b. Paying for, reimbursing, or subsidizing the travel costs
31 associated with obtaining an elective abortion, or covering
32 those costs as an employee benefit.

33 c. Donating or lending money, digital currency, resources,
34 or any other thing of value to an abortion provider, abortion
35 fund, or an affiliate of an abortion provider, either directly

1 or by laundering the donation or loan through an intermediary.

2 *d.* Offering, providing, or lending money, digital currency,
3 resources, or any other thing of value with the knowledge
4 that the thing of value will be used to pay for, offset, or
5 reimburse the costs of an elective abortion or the costs
6 associated with procuring an elective abortion.

7 *e.* Performing or providing any type of work or service for
8 an abortion provider, abortion fund, or an affiliate of an
9 abortion provider, regardless of whether such work or service
10 is done on a paid, contract, or volunteer basis, except for
11 the provision of basic public services, including fire and
12 police protection and utilities, by a governmental entity or a
13 common carrier to an abortion provider, an abortion fund, or
14 an affiliate of an abortion provider in the same manner as the
15 governmental entity or common carrier provides the services to
16 the general public.

17 *f.* Paying, offering to pay, or providing insurance that
18 covers legal expenses, court judgments, or settlements of those
19 who violate the abortion laws of the United States, or the
20 abortion laws of any state, local, or foreign jurisdiction.

21 *g.* Engaging in any conduct that would constitute aiding and
22 abetting an elective abortion, regardless of the person upon
23 whom the elective abortion is performed, where the elective
24 abortion is performed, or the law of the jurisdiction in which
25 the elective abortion is performed.

26 2. A person shall not enter into a contract with a
27 governmental entity, enter into a subcontract with a contractor
28 of a governmental entity, or receive any grant or funding from
29 a governmental entity, unless the person certifies in writing
30 that the person complies with each of the requirements in
31 subsection 1.

32 3. A person that violates subsection 1 after entering
33 into a contract with a governmental entity, entering into a
34 subcontract with a contractor of a governmental entity, or
35 receiving any type of grant or funding from a governmental

1 entity, shall be subject to qui tam liability as provided in
2 section 146E.7.

3 Sec. 16. NEW SECTION. 146E.15 Internet service providers —
4 blocking access to certain information — immunity — recoverable
5 damages resulting from lawsuit.

6 1. An internet service provider that provides service in the
7 state shall make all reasonable and technologically feasible
8 efforts to block access to all of the following:

9 a. Child pornography as defined in 18 U.S.C. §2256(8).

10 b. Information or material intended to assist or facilitate
11 efforts to obtain elective abortions or abortion-inducing drugs
12 including but not limited to the following:

13 (1) An internet site, platform, or other interactive
14 computer service operated by or on behalf of an abortion
15 provider or abortion fund.

16 (2) An internet site, platform, or other interactive
17 computer service for downloading any application or software
18 for use on a computer or electronic device that is designed to
19 assist or facilitate efforts to obtain elective abortions or
20 abortion-inducing drugs.

21 (3) An internet site, platform, or other interactive
22 computer service that allows or enables those who provide or
23 aid or abet elective abortions, or those who manufacture, mail,
24 distribute, transport, deliver, or provide abortion-inducing
25 drugs, to collect money, digital currency, resources, or any
26 other thing of value in exchange for such services.

27 2. A person who becomes aware that information or material
28 described in subsection 1 is accessible through internet
29 service provided by an entity that provides internet service
30 in the state may notify that internet service provider and
31 request that the internet service provider block access to the
32 information or material. A person may provide notification by
33 any of the following means:

34 a. Calling the internet service provider's customer support
35 number and providing a precise description and location of the

1 information or material described in subsection 1.

2 *b.* Mailing a letter to the internet service provider and
3 providing a precise description and location of the information
4 or material described in subsection 1.

5 3. Notwithstanding any other law to the contrary, direct
6 or indirect enforcement of this section shall not be taken
7 or threatened by a governmental entity, or by an officer or
8 employee of a governmental entity, by any means. However,
9 the state, its political subdivisions, and officers and
10 employees of the state and its political subdivisions may ask
11 or encourage internet service providers to comply with the
12 provisions of this section.

13 4. Notwithstanding any other law to the contrary, an
14 internet service provider shall have absolute and nonwaivable
15 immunity from liability or suit on account of any of the
16 following:

17 *a.* An action taken to comply with the requirements of this
18 section, or to restrict access to or availability of any of the
19 information or material described in subsection 1.

20 *b.* An action taken to enable or make available to
21 information content providers or others the technical means
22 to restrict access to information or material described in
23 subsection 1.

24 *c.* A denial of service to those who use or seek to use the
25 internet to make available information or material described in
26 subsection 1.

27 5. If a lawsuit is brought or a judgment entered against an
28 internet service provider in any state or federal court, and
29 the lawsuit or liability in whole or in part is based on the
30 internet service provider's compliance with the requirements of
31 this section, the internet service provider may recover damages
32 from a party that brought the action, obtained that judgment,
33 or sought to enforce that judgment. Recoverable damages shall
34 include all of the following:

35 *a.* Compensatory damages created by the lawsuit or judgment,

1 including but not limited to monetary damages in the amount of
2 the judgment, expenses, and reasonable attorney fees spent in
3 defending the action.

4 *b.* Court costs, expenses, and reasonable attorney fees
5 incurred in bringing an action under this section.

6 *c.* Additional statutory damages in an amount not less than
7 one hundred thousand dollars.

8 Sec. 17. NEW SECTION. 146E.16 Internet service in publicly
9 owned buildings — public libraries and school districts
10 and institutions of higher education — access to certain
11 information.

12 1. A publicly owned building in the state that provides
13 internet service shall be equipped to operate a technology
14 protection measure with respect to each of the computers with
15 internet access in the publicly owned building that protects
16 against access through those computers to all of the following:

17 *a.* Child pornography as defined in 18 U.S.C. §2256(8).

18 *b.* Information or material that is intended to assist
19 or facilitate efforts to obtain elective abortions or
20 abortion-inducing drugs, including but not limited to the
21 following interactive computer services:

22 (1) An internet site, platform, or other interactive
23 computer service operated by or on behalf of an abortion
24 provider or abortion fund.

25 (2) An internet site, platform, or other interactive
26 computer service for downloading any application or software
27 for use on a computer or electronic device that is designed to
28 assist or facilitate efforts to obtain elective abortions or
29 abortion-inducing drugs.

30 (3) An internet site, platform, or other interactive
31 computer service that allows or enables those who provide or
32 aid or abet elective abortions, or those who manufacture, mail,
33 distribute, transport, deliver, or provide abortion-inducing
34 drugs, to collect money, digital currency, resources, or any
35 other thing of value in exchange for such services.

1 2. A person who becomes aware that information or material
2 described in subsection 1 is accessible through internet
3 service provided by a government-owned building, public
4 library location, school district location, or location of an
5 institution of higher education governed by the state board of
6 regents in the state may notify an administrator, supervisor,
7 or other authority with control over the building or location
8 and request that the authority block access to that information
9 or material.

10 3. An administrator, supervisor, or other authority
11 may disable a technology protection measure that blocks the
12 information specified under subsection 1 to enable access for
13 bona fide research or other lawful purposes.

14 Sec. 18. NEW SECTION. 146E.17 **Governmental entities and**
15 **political subdivisions — prohibitions relating to elective**
16 **abortion and taxpayer resource transactions — qui tam actions.**

17 1. *a.* Notwithstanding any other law to the contrary,
18 a political subdivision may enact and enforce ordinances
19 regulating, restricting, or prohibiting elective abortion and
20 conduct that aids or abets elective abortion.

21 *b.* A provision of state law shall not be construed to limit
22 a political subdivision from enacting or enforcing ordinances
23 regulating, restricting, or prohibiting elective abortion and
24 conduct that aids or abets elective abortion, unless it clearly
25 and explicitly does so with specific reference to this section.

26 2. A governmental entity shall not enter into a taxpayer
27 resource transaction with any of the following:

28 *a.* An abortion fund.

29 *b.* An abortion provider.

30 *c.* An affiliate of an abortion provider.

31 *d.* A person who pays for, reimburses, or subsidizes in any
32 way the costs associated with an elective abortion, regardless
33 of the person upon whom the elective abortion is performed,
34 where the elective abortion is performed, and the law of the
35 jurisdiction in which the elective abortion is performed,

1 unless required to do so by federal law or as a condition of
2 receiving federal funds.

3 3. *a.* A person has standing to bring and may bring a qui
4 tam action against a person that enacts, issues, enforces, or
5 attempts to enforce any ordinance, order, rule, directive,
6 requirement, or written or unwritten policy described
7 in subsection 1, or that enters into a taxpayer resource
8 transaction described in subsection 2. An action under this
9 section shall be brought in the name of the person and the
10 state.

11 *b.* A plaintiff who prevails in a qui tam action brought
12 under this section shall recover all of the following:

13 (1) Declaratory and injunctive relief.

14 (2) Nominal and compensatory damages if the plaintiff has
15 suffered injury or harm from the defendant's conduct.

16 (3) Civil penalties in an amount of not less than ten
17 thousand dollars for each ordinance, order, rule, directive,
18 requirement, or written or unwritten policy that the defendant
19 enacted, issued, enforced, or attempted to enforce in violation
20 of subsection 1 and for each prohibited taxpayer resource
21 transaction that the defendant entered into in violation of
22 subsection 2.

23 (4) Court costs and reasonable attorney fees.

24 4. Notwithstanding subsection 3, a court shall not award
25 relief under subsection 3, paragraph "b", subparagraph (3) or
26 (4), if the defendant demonstrates that a court has already
27 ordered the defendant to pay the full amount of civil penalties
28 under subsection 3, paragraph "b", subparagraph (3), in another
29 action for that particular taxpayer resource transaction that
30 the defendant entered in violation of subsection 2.

31 5. Sovereign immunity, governmental immunity, and official
32 immunity are waived and abrogated in any lawsuit brought under
33 subsection 3, and shall not be asserted as a defense in those
34 proceedings.

35 6. A person bringing an action under this section is

1 entitled to receive twenty-five percent of the civil penalties
2 recovered. The remainder of the recovered civil penalties
3 shall be paid to the state.

4 7. The state is not liable for expenses that a person incurs
5 in bringing an action under this section.

6 Sec. 19. NEW SECTION. 146E.18 **Medicaid — persons qualified**
7 **to perform services.**

8 1. Notwithstanding any other law to the contrary, the
9 following persons shall not be deemed persons qualified to
10 perform the service or services required as described under 42
11 U.S.C. §1396a(a)(23) under the Medicaid program:

12 a. A person engaged in a pattern of racketeering activity as
13 defined in 18 U.S.C. §§1961 and 1962, including racketeering
14 activity that violates 18 U.S.C. §1461 and 18 U.S.C. §1462(c).

15 b. A person that performs or participates in an elective
16 abortion in violation of the laws of this state or in violation
17 of the laws of another state.

18 c. An abortion provider or affiliate of an abortion
19 provider.

20 2. Notwithstanding any other law to the contrary, the state
21 and its officers and employees shall have sovereign immunity in
22 any lawsuit brought to restrain the state and its officers and
23 employees from enforcing subsection 1.

24 3. Notwithstanding any other law to the contrary, an
25 attorney representing the state, its political subdivisions, or
26 an officer or employee of the state or a political subdivision
27 shall not waive the immunity described in subsection 2 or take
28 any action that would result in a waiver of that immunity, and
29 any such action or purported waiver shall be a legal nullity
30 and an ultra vires act.

31 Sec. 20. NEW SECTION. 146E.19 **Costs of lawsuits for**
32 **injunctive or declaratory relief relating to restrictions on**
33 **elective abortions — payment to prevailing party.**

34 1. Notwithstanding any other law to the contrary, a person
35 that seeks declaratory or injunctive relief to prevent the

1 state, a political subdivision, an officer or employee of
2 the state or a political subdivision, or a person in this
3 state from enforcing or bringing suit to enforce any statute,
4 ordinance, rule, regulation, or any other type of law that
5 regulates or restricts elective abortion or that limits
6 taxpayer funding for a person that performs or promotes
7 elective abortion in any state or federal court, or that
8 represents a litigant seeking relief in any state or federal
9 court, is jointly and severally liable to pay the court costs
10 and reasonable attorney fees of the prevailing party, including
11 the court costs and reasonable attorney fees the prevailing
12 party incurs in the prevailing party's efforts to recover such
13 court costs and reasonable attorney fees.

14 2. For purposes of this section, a party is considered a
15 prevailing party if a state or federal court does any of the
16 following:

17 a. Dismisses any claim or cause of action brought against
18 the party that seeks the declaratory or injunctive relief
19 described in subsection 1, regardless of the reason for the
20 dismissal.

21 b. Enters a judgment in the party's favor on any such claim
22 or cause of action.

23 3. A prevailing party may recover court costs and reasonable
24 attorney fees under this section only to the extent that those
25 court costs and attorney fees were incurred while defending
26 claims or causes of action on which the party prevailed.

27 4. Regardless of whether a prevailing party sought to
28 recover court costs or reasonable attorney fees in the
29 underlying action, a prevailing party under this section may
30 bring a civil action to recover court costs and reasonable
31 attorney fees against a person that sought declaratory or
32 injunctive relief described in subsection 1 not later than
33 three years from the date on which any of the following occurs,
34 as applicable:

35 a. The dismissal or judgment described in subsection 2

1 becomes final on the conclusion of appellate review.

2 *b.* The time for seeking appellate review expires.

3 5. It is not a defense to an action brought under subsection
4 4 that any of the following applies:

5 *a.* A prevailing party under this section failed to seek
6 recovery of court costs or reasonable attorney fees in the
7 underlying action.

8 *b.* The court in the underlying action declined to recognize
9 or enforce the requirements of this section.

10 *c.* The court in the underlying action held that any
11 provision of this section is invalid, unconstitutional, or
12 preempted by federal law, notwithstanding the doctrines of
13 issue or claim preclusion.

14 6. *a.* Notwithstanding any other law to the contrary,
15 including chapter 616, a civil action brought under subsection
16 4 may be brought in any of the following:

17 (1) The county in which all or a substantial part of
18 the events or omissions giving rise to the cause of action
19 occurred.

20 (2) The county of residence for any one of the natural
21 person defendants at the time the cause of action accrued.

22 (3) The county of the principal office in this state of any
23 one of the defendants that is not a natural person.

24 (4) The county of residence for the plaintiff if the
25 plaintiff is a natural person residing in this state.

26 *b.* Any contractual choice-of-forum provision that purports
27 to require a civil action under subsection 4 to be litigated
28 in a forum other than as specified in paragraph "a" shall be
29 void as against public policy, and shall not be enforced in any
30 state or federal court.

31 7. If a civil action is brought under subsection 4 in
32 any venue described in subsection 6, the action shall not be
33 transferred to a different venue without the written consent
34 of all parties.

35 Sec. 21. NEW SECTION. 146E.20 Immunity from suit and limits

1 on state court jurisdiction.

2 1. *a.* Notwithstanding any other law to the contrary, the
3 state, its political subdivisions, or an officer or employee
4 of this state or a political subdivision shall have sovereign
5 immunity, governmental immunity, and official immunity, as
6 applicable, in any action, claim, counterclaim, or any type
7 of legal or equitable action that challenges the validity of
8 any provision or application of this chapter on constitutional
9 grounds or otherwise, or that seeks to prevent or enjoin the
10 state, its political subdivisions, or an officer or employee
11 of this state or a political subdivision from enforcing any
12 provision or application of this chapter, or from hearing,
13 adjudicating, or docketing a civil action brought under section
14 146E.6, 146E.7, or 146E.8, unless that immunity has been
15 abrogated or preempted by federal law.

16 *b.* The sovereign immunity conferred by this section upon
17 the state and each of its officers and employees includes
18 the constitutional sovereign immunity which applies in both
19 state and federal court and which may not be abrogated by the
20 congress of the United States or by any state or federal court
21 except pursuant to legislation authorized by section 5 of the
22 fourteenth amendment to the Constitution of the United States.

23 2. Notwithstanding any other law to the contrary, the
24 immunities conferred by subsection 1 shall apply in every
25 court, both state and federal, and in every adjudicative
26 proceeding of any type.

27 3. Notwithstanding any other law to the contrary, a
28 provision of state law shall not be construed to waive or
29 abrogate an immunity described in subsection 1 unless the
30 provision expressly waives or abrogates immunity with specific
31 reference to this section.

32 4. Notwithstanding any other law to the contrary, an
33 attorney representing the state, its political subdivisions, or
34 an officer or employee of this state or a political subdivision
35 shall not waive an immunity described in subsection 1 or take

1 any action that would result in a waiver of that immunity, and
2 any such action or purported waiver shall be a legal nullity
3 and an ultra vires act.

4 5. Notwithstanding any other law to the contrary, including
5 rule of civil procedure 1.1101, and sections 602.4102,
6 602.5103, and 602.6101, a court of this state shall not award
7 declaratory or injunctive relief or any type of writ that
8 would pronounce any provision or application of this chapter
9 invalid or unconstitutional, or that would restrain the state,
10 its political subdivisions, an officer or employee of this
11 state or a political subdivision, or a person from enforcing
12 any provision or application of this chapter, or from hearing,
13 adjudicating, docketing, or filing a civil action brought under
14 section 146E.6, 146E.7, or 146E.8, and a court of this state
15 shall not have jurisdiction to consider any action, claim, or
16 counterclaim that seeks such relief.

17 6. Notwithstanding any other law to the contrary, any
18 judicial relief issued by a court of this state that disregards
19 the immunities conferred by subsection 1, or the jurisdictional
20 limitations specified by subsection 5, shall be a legal nullity
21 due to lack of jurisdiction, and shall not be enforced or
22 obeyed by an officer or employee of this state or a political
23 subdivision, judicial or otherwise.

24 7. Notwithstanding any other law to the contrary, any
25 injunction, declaratory judgment, or writ issued by a court
26 of this state that purports to restrain the state, its
27 political subdivisions, an officer or employee of this state
28 or a political subdivision, or any person from hearing,
29 adjudicating, docketing, or filing a civil action brought under
30 section 146E.6, 146E.7, or 146E.8, shall be a legal nullity
31 and a violation of the due process clause of the fourteenth
32 amendment of the Constitution of the United States, and shall
33 not be enforced or obeyed by an officer or employee of this
34 state or a political subdivision, judicial or otherwise.

35 8. Notwithstanding any other law to the contrary, an officer

1 or employee of this state or a political subdivision, judicial
2 or otherwise, who issues, enforces, or obeys an injunction,
3 declaratory judgment, or writ described in subsection 7 shall
4 be subject to suit by a person who is prevented from or delayed
5 in bringing a civil action under section 146E.6, 146E.7, or
6 146E.8, and a plaintiff who prevails in an action brought under
7 this section shall be awarded and recover all of the following:

8 *a.* Injunctive relief.

9 *b.* Compensatory damages.

10 *c.* Punitive damages of not less than one hundred thousand
11 dollars.

12 *d.* Court costs and reasonable attorney fees.

13 9. Notwithstanding any other law to the contrary, a person
14 who violates subsection 5 or 7 is prohibited from all of the
15 following:

16 *a.* Asserting and being entitled to any type of immunity
17 defense, including sovereign immunity, governmental immunity,
18 official immunity, or judicial immunity.

19 *b.* Being indemnified for any award of damages, court costs,
20 and reasonable attorney fees entered against the person, or for
21 the costs of the person's legal defense.

22 *c.* Receiving or obtaining legal representation from the
23 attorney general of this state in any action brought under
24 subsection 8.

25 10. Notwithstanding any other law to the contrary, a person
26 who sues and seeks any injunction, declaratory judgment, or
27 writ that would restrain a person from hearing, adjudicating,
28 docketing, or filing a civil action brought under section
29 146E.6, 146E.7, or 146E.8, shall pay the court costs and
30 reasonable attorney fees of the person sued. A person may
31 bring a civil action to recover the court costs and reasonable
32 attorney fees in state or federal court. It shall not be a
33 defense to a civil action brought under this subsection that
34 any of the following applies:

35 *a.* The plaintiff failed to seek recovery of court costs or

1 attorney fees in the underlying action.

2 *b.* The court in the underlying action declined to recognize
3 or enforce the requirements of this section.

4 *c.* The court in the underlying action held any provision
5 of this section invalid, unconstitutional, or preempted by
6 federal law, notwithstanding the doctrines of issue or claim
7 preclusion.

8 Sec. 22. NEW SECTION. 146E.21 Pregnant woman not subject to
9 criminal or civil action, penalties, or liability.

10 Notwithstanding any other law to the contrary, this chapter
11 shall not be construed to subject a pregnant woman or formerly
12 pregnant woman on whom an elective abortion was performed or
13 attempted to be performed to any of the following:

14 1. Any civil or criminal action under this chapter.

15 2. Any type of criminal or civil penalty or liability under
16 this chapter.

17 Sec. 23. SEVERABILITY.

18 1. If any provision of this Act or its application to
19 any person or circumstance is held invalid, the invalidation
20 does not affect other provisions or applications of this Act
21 which can be given effect without the invalid provision or
22 application, and to this end the provisions of this Act are
23 severable.

24 2. A court shall not decline to enforce the severability
25 requirements of this section on the ground that severance
26 would rewrite the statute or involve a court in legislative or
27 lawmaking activity.

28 Sec. 24. EFFECTIVE DATE. This Act, being deemed of
29 immediate importance, takes effect upon enactment.

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 creates the Iowa human life protection Act in new
34 Code chapter 146E, and provides for civil actions and civil
35 penalties. The bill includes findings relating to human life

1 and abortion.

2 New Code section 146E.2 provides definitions used in the
3 new Code chapter including "abortion fund", "abortion-inducing
4 drug", "abortion provider", "affiliate", "aiding or abetting",
5 "attempt" or "attempts", "elective abortion", "fertilization",
6 "governmental entity", "information content provider",
7 "interactive computer service", "major bodily function",
8 "medical emergency", "medically indicated separation
9 procedure", "perform", "performance", "performed", "performs",
10 or "performing" relative to an elective abortion, "person",
11 "policy", "political subdivision", "pregnant", "taxpayer
12 resource transaction", "unborn child", and "woman" or "women".

13 New Code section 146E.3 prohibits a person from knowingly
14 using, employing, or administering any drug, instrument,
15 device, means, or procedure upon a pregnant woman with the
16 specific intent to cause an elective abortion, or from aiding
17 or abetting such conduct. The prohibition applies if any
18 portion of the prohibited conduct or elective abortion occurs
19 in the state or within the jurisdiction of the state.

20 The requirements of new Code section 146E.3 shall be
21 enforced exclusively through the qui tam actions described in
22 the bill; direct or indirect enforcement shall not be taken
23 or threatened; and a violation of the Code section shall not
24 be used to justify or trigger the enforcement of any other
25 law or any type of adverse consequence under any other law,
26 except as provided in the provisions of the bill relating to
27 qui tam actions. However, the Code section does not preclude
28 or limit the enforcement of any other law or regulation against
29 conduct that is independently prohibited by such other law or
30 regulation and that would remain prohibited by such other law
31 or regulation. The prohibition does not apply to speech or
32 conduct protected by the first amendment to the Constitution of
33 the United States; conduct the state is forbidden to regulate
34 under federal law or the Constitution of the United States; the
35 provision of basic public services by a governmental entity or

1 a common carrier to an abortion provider, an abortion fund, or
2 an affiliate of an abortion provider or abortion fund in the
3 same manner those services are provided to the general public;
4 or conduct taken at the behest of a federal agency, contractor,
5 or employee that is carrying out duties under federal law, if
6 a prohibition on that conduct would violate the doctrine of
7 preemption or intergovernmental immunity.

8 New Code section 146E.4 provides for liability for wrongful
9 death and personal injuries related to an elective abortion.
10 The Code section provides that a person who violates new
11 Code section 146E.3 shall be subject to joint and several
12 liability for the wrongful death of an unborn child who dies
13 from the elective abortion; and strict, and joint and several
14 liability for the wrongful death of a pregnant woman or
15 formerly pregnant woman who dies from the elective abortion and
16 any personal injuries suffered by an unborn child or pregnant
17 woman or formerly pregnant woman from the elective abortion.
18 A surviving parent of an unborn child who was aborted in
19 violation of the bill may maintain an action for wrongful death
20 against a person who knowingly violated the bill resulting in
21 the wrongful death of the unborn child.

22 The bill prohibits a lawsuit under new Code section 146E.4
23 against and by certain people including: against a pregnant
24 woman or formerly pregnant woman who aborted or attempted to
25 abort the pregnant woman's unborn child; against a person
26 that acted at the behest of a federal agency, contractor, or
27 employee that is carrying out duties under federal law, if
28 the imposition of liability would violate the doctrine of
29 preemption or intergovernmental immunity; by a person who
30 through an act of sexual assault or incest impregnated the
31 pregnant woman or formerly pregnant woman; and against a
32 provider or user of an interactive computer service if such
33 a lawsuit would be preempted by federal law. A prevailing
34 plaintiff is entitled to recover compensatory damages, court
35 costs and reasonable attorney fees, and punitive damages of not

1 less than \$100,000.

2 Under new Code section 146E.4, if a plaintiff brings suit in
3 response to a drug-induced abortion and is unable to identify
4 the specific manufacturer of the abortion-inducing drug that
5 caused the death or injury, liability is apportioned among all
6 manufacturers of abortion-inducing drugs in proportion to each
7 manufacturer's share of the market for abortion-inducing drugs.
8 A person may bring an action no later than six years from the
9 date the cause of action accrues. Waiver of the right to sue is
10 void as against public policy and shall not be enforceable in
11 any court. The Code section shall not be construed to impose
12 liability on constitutionally protected speech or conduct.

13 New Code section 146E.5 relates to prohibitions related
14 to abortion-inducing drugs and qui tam enforcement. The
15 Code section provides that it is unlawful for a person
16 to manufacture, possess, or distribute abortion-inducing
17 drugs in the state; mail, transport, deliver, or provide
18 abortion-inducing drugs in any manner to or from a person
19 or location in the state; or engage in any conduct that
20 constitutes aiding and abetting the manufacture, possession,
21 distribution, mailing, transporting, delivery, or provision
22 of abortion-inducing drugs. The bill does not prohibit
23 constitutionally protected speech or conduct; conduct that
24 the state is forbidden to regulate under federal law or the
25 Constitution of the United States; conduct taken at the behest
26 of a federal agency, contractor, or employee that is carrying
27 out duties under federal law, if a prohibition on that conduct
28 would violate the doctrine of preemption or intergovernmental
29 immunity; conduct taken by a pregnant woman or formerly
30 pregnant woman who aborts or seeks to abort the woman's unborn
31 child; the manufacture, possession, distribution, mailing,
32 transporting, delivery, or provision of abortion-inducing drugs
33 for a purpose that does not include termination of a pregnancy;
34 the possession of abortion-inducing drugs related to an effort
35 to entrap persons that violate the Code section; or any of the

1 conduct described under the section of the bill relating to
2 interactive computer services.

3 New Code section 146E.5 shall only be enforced as a qui
4 tam action as provided under the bill and direct or indirect
5 enforcement of the Code section shall not be taken or
6 threatened. However, the Code section does not preclude or
7 limit the enforcement of any other law or regulation against
8 conduct that is independently prohibited by such other law or
9 regulation, and that would remain prohibited by such other law
10 or regulation.

11 New Code section 146E.6 relates to liability for wrongful
12 death and personal injuries related to the manufacture,
13 mailing, distribution, transportation, delivery, or provision
14 of abortion-inducing drugs. The Code section provides that
15 a person who manufactures, mails, distributes, transports,
16 delivers, or provides abortion-inducing drugs; or who aids or
17 abets the manufacture, mailing, distribution, transportation,
18 delivery, or provision of abortion-inducing drugs shall be
19 strictly, and jointly and severally liable for the wrongful
20 death of an unborn child or pregnant woman who dies from the
21 use of abortion-inducing drugs, and for any personal injuries
22 suffered by an unborn child or pregnant woman or formerly
23 pregnant woman from the use of abortion-inducing drugs. The
24 surviving parents of an unborn child who was aborted in
25 violation of the Code section of the bill relating to elective
26 abortion prohibitions may maintain an action for wrongful
27 death against a person who knowingly violated the Code section
28 resulting in the wrongful death of the unborn child.

29 New Code section 146E.6 prohibits a lawsuit from being
30 brought against a pregnant woman or formerly pregnant woman who
31 used or sought to obtain abortion-inducing drugs to abort or
32 attempt to abort her unborn child; against a person that acted
33 at the behest of a federal agency, contractor, or employee that
34 is carrying out duties under federal law, if the imposition
35 of liability would violate the doctrine of preemption or

1 intergovernmental immunity; by a person who, through an act
2 of sexual assault or incest, impregnated the woman who used
3 abortion-inducing drugs; or against a provider or user of
4 an interactive computer service if such a lawsuit would be
5 preempted by federal law.

6 A prevailing plaintiff under new Code section 146E.6 is
7 entitled to recover compensatory damages, court costs and
8 reasonable attorney fees, and punitive damages of not less
9 than \$100,000. If a plaintiff brings suit in response to a
10 drug-induced abortion and is unable to identify the specific
11 manufacturer of the abortion-inducing drug that caused the
12 death or injury, liability shall be apportioned among all
13 manufacturers of abortion-inducing drugs in proportion to
14 each manufacturer's share of the market for abortion-inducing
15 drugs. A person may bring an action no later than six years
16 from the date the cause of action accrues. Waiver of the
17 right to sue is void as against public policy and shall not be
18 enforceable in any court. It is an affirmative defense if a
19 person sued under this Code section was unaware that the person
20 was engaged in the conduct described in this Code section, and
21 took every reasonable precaution to ensure that the person
22 would not manufacture, mail, distribute, transport, deliver,
23 provide, or aid or abet the manufacture, mailing, distribution,
24 transportation, delivery, or provision of abortion-inducing
25 drugs. The defendant has the burden of proving an affirmative
26 defense by a preponderance of the evidence. The Code section
27 shall not be construed to impose liability on constitutionally
28 protected speech or conduct.

29 New Code section 146E.7 provides for qui tam enforcement
30 for certain violations under the bill. A person, other than a
31 governmental entity or an officer or employee of a governmental
32 entity, has standing to bring and may bring a qui tam action
33 against any person that violates any provision of new Code
34 section 146E.3 (elective abortion prohibitions), 146E.4
35 (abortion-inducing drugs prohibitions), or 146E.14 (government

1 contractors and grant recipients); or any person who intends
2 to violate any provision of those Code sections. A civil
3 action shall not be brought under the Code section against
4 the pregnant woman or formerly pregnant woman upon whom an
5 elective abortion was performed or induced or attempted to be
6 performed or induced or against a pregnant woman who intends
7 or who seeks an elective abortion in violation of the new Code
8 chapter; against any person that performs, aids or abets, or
9 attempts to perform or aid or abet an elective abortion at
10 the behest of a federal agency, contractor, or employee that
11 is carrying out duties under federal law, if a prohibition on
12 that elective abortion would violate the doctrine of preemption
13 or intergovernmental immunity; against a common carrier that
14 transports a pregnant woman to an abortion provider, if the
15 common carrier is unaware that the pregnant woman intends to
16 abort the pregnant woman's unborn child; against a provider
17 or user of an interactive computer service if such a lawsuit
18 would be preempted by federal law; or by a person who, through
19 an act of sexual assault or incest, impregnated a woman who is
20 seeking an elective abortion or a person who acts in concert
21 or participation with the person who impregnated the woman.
22 An action shall be brought in the name of the person and of
23 the state. A plaintiff who prevails in an action under this
24 Code section shall be awarded injunctive relief, nominal and
25 compensatory damages if the plaintiff has suffered injury or
26 harm from the defendant's conduct, civil penalties of not
27 less than \$10,000 for each violation, and court costs and
28 reasonable attorney fees. A person may bring an action no
29 later than six years from the date the cause of action accrues.
30 It is an affirmative defense if a person sued was unaware
31 that the person was engaged in the specified conduct and took
32 every reasonable precaution to ensure that the person would
33 not be in violation of the specified provisions of the bill.
34 The Code section shall not be construed to impose liability
35 on constitutionally protected speech or conduct. A court

1 shall not award court costs or reasonable attorney fees to a
2 defendant. A person bringing an action is entitled to receive
3 25 percent of the civil penalties recovered, with the remaining
4 civil penalties paid to the state. The state is not liable for
5 expenses that a person incurs in bringing an action.

6 New Code section 146E.8 provides for qui tam enforcement
7 for violations relating to interactive computer services. The
8 Code section provides that a person, other than a governmental
9 entity or an officer or employee of a governmental entity,
10 has standing to bring and may bring a qui tam action against
11 a person that provides or maintains an interactive computer
12 service that allows Iowa residents to access information or
13 material that assists or facilitates efforts to obtain elective
14 abortions or abortion-inducing drugs; provides or maintains
15 a platform for downloading any application or software for
16 use on a computer or electronic device that is designed to
17 assist or facilitate efforts to obtain elective abortions or
18 abortion-inducing drugs; or provides or maintains a platform
19 that allows or enables those who provide or aid or abet
20 elective abortions, or those who manufacture, mail, distribute,
21 transport, deliver, or provide abortion-inducing drugs, to
22 collect money, digital currency, resources, or any other thing
23 of value in exchange for such services.

24 An action under new Code section 146E.8 shall be brought in
25 the name of the person and the state. A prevailing plaintiff
26 shall only be awarded declaratory and injunctive relief, not
27 damages. Relief shall not be awarded if the action is brought
28 in response to the exercise of state or federal constitutional
29 rights that belong personally to the defendant; conduct taken
30 at the behest of a federal agency, contractor, or employee
31 that is carrying out duties under federal law, if the relief
32 would violate the doctrine of preemption or intergovernmental
33 immunity; or conduct taken by a pregnant woman or formerly
34 pregnant woman who aborted or attempted to abort such woman's
35 unborn child, if such woman is the named defendant in the civil

1 action.

2 Under new Code section 146E.8, it is an affirmative
3 defense if a person who sued was unaware that the person's
4 interactive computer service or platform was being used to
5 assist or facilitate efforts to obtain elective abortions
6 or abortion-inducing drugs; and upon discovering that the
7 person's interactive computer service or platform was being
8 used to assist or facilitate such efforts, the person took
9 prompt action to block access to any information, material,
10 application, or software and to block those who provide or aid
11 or abet elective abortions and those who manufacture, mail,
12 distribute, transport, deliver, or provide abortion-inducing
13 drugs, from collecting money, digital currency, resources,
14 or any other thing of value in exchange for such services
15 through its interactive computer service or platform. The
16 defendant has the burden of proving an affirmative defense by
17 a preponderance of the evidence. A person who engages in the
18 violative conduct shall not be held vicariously liable for
19 any nominal, statutory, or compensatory damages incurred by
20 another information content provider; held liable or legally
21 responsible for the conduct of any publisher or speaker of any
22 information provided by another information content provider;
23 or treated as the speaker or publisher of any information
24 provided by another information content provider under any
25 provision of state law.

26 New Code section 146E.8 shall be enforced exclusively
27 through the qui tam action and direct or indirect enforcement
28 of this Code section shall not be taken or threatened.
29 However, the Code section does not preclude or limit the
30 enforcement of any other law or regulation against conduct that
31 is independently prohibited by such other law or regulation,
32 and that would remain prohibited by such other law or
33 regulation in the absence of the Code section.

34 Under new Code section 146E.8, a provider or user of
35 an interactive computer service shall have absolute and

1 nonwaivable immunity from liability or suit on account of
2 an action taken to restrict access to or availability of
3 information or material that assists or facilitates access to
4 elective abortions or abortion-inducing drugs, whether or not
5 such information or material is constitutionally protected; an
6 action taken to enable or make available to information content
7 providers or others the technical means to restrict access
8 to information or material described in the Code section;
9 or a denial of service to those who provide or aid or abet
10 elective abortions, or those who manufacture, mail, distribute,
11 transport, deliver, or provide abortion-inducing drugs. The
12 state is not liable for expenses that a person incurs in
13 bringing an action under the Code section.

14 New Code section 146E.9 provides affirmative defenses for
15 a defendant against whom an action is brought under new Code
16 section 146E.6 (liability for wrongful death and personal
17 injury — abortion-inducing drugs), 146E.7 (qui tam enforcement
18 for certain violations), or 146E.8 (qui tam enforcement —
19 interactive computer services). The defendant must prove
20 the affirmative defense by a preponderance of the evidence.
21 The Code section does not limit or preclude a defendant
22 from asserting the unconstitutionality of any provision or
23 application of state law as a defense or from asserting any
24 other defense that might be available under any other source
25 of law. A court shall not apply the law of another state or
26 jurisdiction to any civil action brought under the specified
27 Code sections, unless otherwise required by law.

28 New Code section 146E.10 specifies the defenses that are
29 not applicable to an action brought under Code section 146E.4
30 (liability for wrongful death and personal injury — elective
31 abortion), 146E.6, or 146E.7.

32 New Code section 146E.11 includes venue provisions and
33 provides that if an action is brought under new Code section
34 146E.6, 146E.7, or 146E.8, the action shall not be transferred
35 to a different venue without the written consent of all

1 parties.

2 New Code section 146E.12 includes provisions relating
3 to personal jurisdiction, choice of law, and class action
4 lawsuits. The Code section provides that the courts of this
5 state shall have personal jurisdiction over any defendant sued
6 under Code section 146E.4, 146E.6, 146E.7, or 146E.8; Iowa law
7 shall apply to these actions, and such civil actions shall not
8 be litigated on behalf of a plaintiff class or a defendant
9 class, and a court shall not certify a class in any civil
10 action brought under these Code sections.

11 New Code section 146E.13 provides protection from counter
12 lawsuits by providing that when a lawsuit has been brought or a
13 judgment entered against a person in any state or federal court
14 in which the lawsuit or liability in whole or in part is based
15 on that person's decision or threat to bring an action under
16 Code section 146E.6, 146E.7, or 146E.8, that person may recover
17 damages from any party that brought the action, obtained the
18 judgment, or sought to enforce the judgment. Recoverable
19 damages include compensatory damages; court costs, expenses,
20 and reasonable attorney fees incurred in bringing an action
21 to recover the costs; and additional statutory damages in an
22 amount of not less than \$100,000.

23 New Code section 146E.14 relates to government contractors
24 and grant recipients and qui tam liability. The Code section
25 provides that a person that enters into a contract with a
26 governmental entity or a subcontract with a contractor of a
27 governmental entity, or that receives any grant or funding
28 from a governmental entity shall not pay for, reimburse, or
29 subsidize in any way the costs associated with an elective
30 abortion including by providing coverage of elective abortions
31 as an employee benefit; paying for, reimbursing, or subsidizing
32 the travel costs associated with obtaining an elective
33 abortion, or covering those costs as an employee benefit;
34 donating or lending money, digital currency, resources, or any
35 other thing of value to an abortion provider, abortion fund,

1 or an affiliate of an abortion provider, either directly or
2 by laundering the donation or loan through an intermediary;
3 offering, providing, or lending money, digital currency,
4 resources, or any other thing of value with the knowledge
5 that the thing of value will be used to pay for, offset, or
6 reimburse the costs of an elective abortion or the costs
7 associated with procuring an elective abortion; performing or
8 providing any type of work or service for an abortion provider,
9 abortion fund, or an affiliate of an abortion provider,
10 regardless of whether such work or service is done on a paid,
11 contract, or volunteer basis, except for the provision of basic
12 public services in the same manner as the governmental entity
13 or common carrier provides the services to the general public;
14 paying, offering to pay, or providing insurance that covers
15 legal expenses, court judgments, or settlements of those who
16 violate the abortion laws of the United States, or the abortion
17 laws of any state, local, or foreign jurisdiction; or engaging
18 in any conduct that would constitute aiding and abetting an
19 elective abortion. Additionally, a person shall not enter into
20 the specified contracts or receive any grant or funding from
21 a governmental entity, unless the person certifies in writing
22 that the person complies with the requirements. A person who
23 violates this Code section is subject to qui tam liability as
24 provided in new Code section 146E.7.

25 New Code section 146E.15 relates to internet service
26 providers. The Code section provides that an internet service
27 provider that provides service in the state shall make all
28 reasonable and technologically feasible efforts to block access
29 to child pornography as defined in federal law and information
30 or material that is intended to assist or facilitate efforts to
31 obtain elective abortions or abortion-inducing drugs. A person
32 who becomes aware that information or material described is
33 accessible through internet service provided by an entity that
34 provides internet service in the state may notify that internet
35 service provider and request that the internet service provider

1 block access to the information or material through any means
2 specified in the bill. While direct or indirect enforcement
3 shall not be taken or threatened by a governmental entity or by
4 any officer or employee of a governmental entity, the state,
5 its political subdivisions, and officers and employees of the
6 state and its political subdivisions may ask or encourage
7 internet service providers to comply with the provisions of the
8 Code section. An internet service provider shall have absolute
9 and nonwaivable immunity from liability or suit on account of
10 an action taken to comply with the requirements of the Code
11 section, or to restrict access to or availability of any of
12 the information or material described in the Code section; an
13 action taken to enable or make available to information content
14 providers or others the technical means to restrict access to
15 information or material described in the Code section; or a
16 denial of service to those who use or seek to use the internet
17 to make available information or material described in the
18 Code section. If a lawsuit is brought or a judgment entered
19 against an internet service provider in any state or federal
20 court based on the internet service provider's compliance with
21 the Code section, the internet service provider may recover
22 costs related to the action as well as compensatory damages and
23 statutory damages of not less than \$100,000.

24 New Code section 146E.16 relates to internet service in
25 publicly owned buildings, public libraries, school district
26 locations, and institutions of higher education relative to
27 access to certain information. A publicly owned building in
28 the state that provides internet service shall be equipped to
29 operate a technology protection measure with respect to each
30 of the computers with internet access in the publicly owned
31 building that protects against access through those computers
32 to child pornography as defined in federal law and information
33 or material that is intended to assist or facilitate efforts
34 to obtain elective abortions or abortion-inducing drugs,
35 including through interactive computer services. A person who

1 becomes aware that information or material described in the
2 Code section is accessible through internet service provided by
3 a government-owned building, public library, school district
4 location, or location of an institution of higher education
5 governed by the state board of regents may notify an authority
6 with control over the building and request that the authority
7 block access to that information or material. The authority
8 may disable a technology protection measure that blocks the
9 information specified under subsection 1 to enable access for
10 bona fide research or other lawful purposes.

11 New Code section 146E.17 relates to governmental entities
12 and political subdivisions and prohibitions relating to
13 elective abortion and taxpayer resource transactions. A
14 political subdivision may enact and enforce ordinances
15 regulating, restricting, or prohibiting elective abortion and
16 conduct that aids or abets elective abortion. A provision
17 of state law shall not be construed to limit a political
18 subdivision from enacting or enforcing ordinances regulating,
19 restricting, or prohibiting elective abortion and conduct
20 that aids or abets elective abortion, unless it clearly
21 and explicitly does so with specific reference to the Code
22 section. The Code section also prohibits a governmental
23 entity from entering into a taxpayer resource transaction with
24 an abortion fund, an abortion provider, an affiliate of an
25 abortion provider, or a person who pays for, reimburses, or
26 subsidizes in any way the costs associated with an elective
27 abortion unless required to do so by federal law or as a
28 condition of receiving federal funds. A person has standing
29 to bring and may bring a qui tam action against any person
30 that enacts, issues, enforces, or attempts to enforce any
31 ordinance, order, rule, directive, requirement, or written or
32 unwritten policy described in the Code section or that enters
33 into a taxpayer resource transaction described in the Code
34 section. An action under the Code section shall be brought
35 in the name of the person and the state. A plaintiff who

1 prevails in a qui tam action brought under the Code section
2 shall recover and be granted declaratory and injunctive relief,
3 nominal and compensatory damages if the plaintiff has suffered
4 injury or harm from the defendant's conduct, civil penalties
5 in an amount of not less than \$10,000 for each policy that
6 violates the Code section and for each prohibited taxpayer
7 resource transaction, and court costs and reasonable attorney
8 fees. Sovereign immunity, governmental immunity, and official
9 immunity are waived and abrogated in any lawsuit brought under
10 the Code section and shall not be asserted as a defense. A
11 person bringing an action under the Code section is entitled
12 to receive 25 percent of the civil penalties recovered, with
13 the remainder paid to the state. The state is not liable for
14 expenses that a person incurs in bringing an action under the
15 Code section.

16 New Code section 146E.18 relates to persons qualified to
17 perform services under the Medicaid program. The Code section
18 provides that a person engaged in a pattern of racketeering
19 activity as defined in federal law, a person that performs
20 or participates in an elective abortion in violation of Iowa
21 law or the law of another state, and an abortion provider
22 or affiliate of an abortion provider are not deemed persons
23 qualified to perform the service or services as described in
24 federal law under the Medicaid program. The state and its
25 officers and employees have sovereign immunity in any lawsuit
26 brought to restrain the state and its officers and employees
27 from enforcing the Code section. An attorney representing the
28 state, its political subdivisions, or any officer or employee
29 of the state or a political subdivision shall not waive the
30 immunity described in the Code section or take any action that
31 would result in a waiver of that immunity, and any such action
32 or purported waiver shall be a legal nullity and an ultra vires
33 act.

34 New Code section 146E.19 relates to the costs of lawsuits
35 for injunctive or declaratory relief relating to restrictions

1 on elective abortions. The bill provides that a person that
2 seeks declaratory or injunctive relief to prevent the state,
3 a political subdivision, an officer or employee of the state
4 or a political subdivision, or any person in this state
5 from enforcing or bringing suit to enforce any type of law
6 that regulates or restricts elective abortion or that limits
7 taxpayer funding for a person that performs or promotes an
8 elective abortion, in any state or federal court, or that
9 represents any litigant seeking relief in any state or federal
10 court, is jointly and severally liable to pay the court
11 costs and reasonable attorney fees of the prevailing party,
12 including the court costs and reasonable attorney fees that the
13 prevailing party incurs in the prevailing party's efforts to
14 recover such court costs and reasonable attorney fees. The
15 Code section specifies what constitutes a prevailing party,
16 limitations on the costs that may be recovered, allows for an
17 action to recover the costs not later than three years from the
18 date on which the dismissal or judgment becomes final on the
19 conclusion of appellate review or from the time for seeking
20 appellate review expires. The Code section provides the forum
21 in which action may be brought and prohibits any contractual
22 choice-of-forum provision that purports to require a civil
23 action to be litigated in a forum other than that specified
24 shall be void as against public policy, and shall not be
25 enforced in any state or federal court. If a civil action
26 is brought under the Code section in any one of the venues
27 described, the action shall not be transferred to a different
28 venue without the written consent of all parties.

29 New Code section 146E.20 relates to immunity from suit
30 and limits on state court jurisdiction. The state, its
31 political subdivisions, an officer and employee of the state
32 or a political subdivision shall have sovereign immunity,
33 governmental immunity, and official immunity, as applicable,
34 in any action, claim, counterclaim, or any type of legal or
35 equitable action that challenges the validity of any provision

1 or application of the new Code chapter, or that seeks to
2 prevent or enjoin the state, its political subdivisions, or any
3 officer or employee of this state or a political subdivision
4 from enforcing any provision or application of the new Code
5 chapter, or from hearing, adjudicating, or docketing a civil
6 action brought under new Code sections 146E.6, 146E.7, or
7 146E.8, unless that immunity has been abrogated or preempted
8 by federal law. The immunities conferred shall apply in every
9 court, both state and federal, and in every adjudicative
10 proceeding of any type. State law shall not be construed to
11 waive or abrogate an immunity described unless the provision in
12 state law expressly waives or abrogates immunity with specific
13 reference to the Code section. An attorney representing the
14 state, its political subdivisions, or any officer or employee
15 of the state or a political subdivision shall not waive an
16 immunity described or take any action that would result in
17 a waiver of that immunity, and any such action or purported
18 waiver shall be a legal nullity and an ultra vires act. A court
19 of this state shall not award declaratory or injunctive relief
20 or any type of writ that would pronounce any provision or
21 application of the Code chapter invalid or unconstitutional, or
22 that would restrain the state, its political subdivisions, any
23 officer or employee of this state or a political subdivision,
24 or any person from enforcing any provision or application of
25 the new Code chapter, or from hearing, adjudicating, docketing,
26 or filing a civil action brought under new Code section 146E.6,
27 146E.7, or 146E.8, and a court of this state shall not have
28 jurisdiction to consider any action, claim, or counterclaim
29 that seeks such relief.

30 Under new Code section 146E.20, any judicial relief issued
31 by a court of this state that disregards the immunities
32 conferred or the jurisdictional limitations specified shall
33 be a legal nullity due to lack of jurisdiction, and shall
34 not be enforced or obeyed by any officer or employee of this
35 state or a political subdivision, judicial or otherwise.

1 Any injunction, declaratory judgment, or writ issued by a
2 court of this state that purports to restrain the state,
3 its political subdivisions, an officer or employee of this
4 state or a political subdivision, or any person from hearing,
5 adjudicating, docketing, or filing a civil action brought under
6 new Code section 146E.6, 146E.7, or 146E.8, shall be a legal
7 nullity and a violation of the due process clause and shall not
8 be enforced or obeyed by any officer or employee of this state
9 or a political subdivision, judicial or otherwise. Any officer
10 or employee of this state or a political subdivision, judicial
11 or otherwise, who issues, enforces, or obeys an injunction,
12 declaratory judgment, or writ described shall be subject to
13 suit by any person who is prevented from or delayed in bringing
14 a civil action, and a plaintiff who prevails in such an action
15 shall be awarded and recover injunctive relief, compensatory
16 damages, punitive damages of not less than \$100,000, and court
17 costs and reasonable attorney fees.

18 New Code section 146E.20 provides that a person who
19 violates the provisions relating to immunities conferred or
20 the jurisdictional limitations specified is prohibited from
21 asserting and being entitled to any type of immunity defense,
22 being indemnified for any award of damages or court costs and
23 reasonable attorney fees entered against the person or for
24 the costs of the person's legal defense, and receiving or
25 obtaining legal representation from the attorney general in any
26 action brought under the Code section. Any person who sues and
27 seeks any injunction, declaratory judgment, or writ that would
28 restrain any person from hearing, adjudicating, docketing, or
29 filing a civil action brought under new Code section 146E.6,
30 146E.7, or 146E.8 shall pay the court costs and reasonable
31 attorney fees of the person sued.

32 New Code section 146E.21 relates to the application of the
33 Code chapter to pregnant women by providing that the Code
34 chapter shall not be construed to subject a pregnant woman
35 or formerly pregnant woman on whom an elective abortion was

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1 performed or attempted to be performed to any civil or criminal
2 action or any type of criminal or civil penalty or liability
3 under the new Code chapter.

4 The bill provides severability provisions.

5 The bill takes effect upon enactment.