

House File 2332 - Introduced

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A BILL FOR

1 An Act relating to elective abortion and feticide, providing
2 penalties, and including effective date provisions.
3 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. Article I, section 1, of the Constitution of the State of
6 Iowa recognizes that all men and women are, by nature, free and
7 equal, and have certain inalienable rights — among which are
8 those of enjoying and defending life.

9 3. Article I, section 9, of the Constitution of the State of
10 Iowa guarantees that no person may be deprived of life, liberty,
11 or property without due process of law.

12 4. The fourteenth amendment to the Constitution of the United
13 States provides that no state shall deprive any person of life,
14 liberty, or property, without due process of law; nor deny to any
15 person within its jurisdiction the equal protection of the laws.

16 5. The general assembly, in the exercise of its
17 constitutional duties and powers, has a fundamental duty to
18 provide equal protection of the lives of all persons, including
19 unborn children.

20 6. The general assembly finds that the life of every human
21 being begins at conception.

22 7. The state of Iowa maintains a fundamental interest in
23 protecting the life of every human being from conception.

24 Sec. 2. NEW SECTION. **146F.1 Definitions.**

25 For purposes of this chapter, unless the context otherwise
26 requires:

27 1. "Elective abortion" means the act of using, prescribing,
28 administering, procuring, or selling any instrument, medicine,
29 drug, or any other substance, device, or means with the purpose
30 of terminating a clinically diagnosed pregnancy of a woman,
31 with knowledge that the termination by any of those means will,
32 with reasonable likelihood, cause the death of an unborn child.

33 "Elective abortion" does not include any of the following:

34 a. In vitro fertilization or fertility treatments of any
35 type.

1 b. An act performed with the intent to do any of the
2 following:

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

4 (2) Remove a deceased unborn child as the result of a
5 spontaneous abortion, commonly known as a miscarriage.

6 (3) Remove or treat an ectopic pregnancy.

7 (4) Treat a physiological condition which the pregnant
8 woman's physician deems, in the physician's reasonable medical
9 judgment, to be a medical emergency.

10 c. A spontaneous abortion, commonly known as a miscarriage.

11 d. Medical treatment provided to a pregnant woman by a
12 licensed physician if the medical treatment is not intended to
13 cause an elective abortion, even if the medical treatment results
14 in unintentional injury to, or the accidental death of an unborn
15 child.

16 2. "Fertilization" means the same as defined in section
17 146B.1.

18 3. "Medical emergency" means the same as defined in section
19 146B.1.

20 4. "Unborn child" means the same as defined in section
21 146B.1.

22 Sec. 3. NEW SECTION. **146F.2 Elective abortion —**
23 **prohibition.**

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

27 2. A person shall not knowingly aid or abet the use,
28 employment, or administration of any drug, instrument, device,
29 means, or procedure upon a pregnant woman with the specific
30 intent to cause an elective abortion.

31 3. A person who is required to be licensed pursuant to
32 section 147.2 who fails to comply with this chapter is subject
33 to licensee discipline.

34 4. The board of medicine shall adopt rules pursuant to
35 chapter 17A to administer and enforce this section.

1 Sec. 4. Section 707.7, Code 2026, is amended to read as
2 follows:

3 **707.7 Feticide.**

4 1. As used in this section, unless the context otherwise
5 requires:

6 a. "Serious injury" means the same as defined in section
7 702.18.

8 b. "Unborn child" means the same as defined in section
9 146B.1.

10 ~~1. 2. Any person who intentionally terminates a human~~
11 ~~pregnancy, with the knowledge and voluntary consent of the~~
12 ~~pregnant person, after the end of the second trimester of the~~
13 ~~pregnancy where death of the fetus results causes the death of~~
14 ~~an unborn child commits feticide. Feticide is a class "C" "A"~~
15 ~~felony.~~

16 ~~2. 3. Any person who attempts to intentionally terminate a~~
17 ~~human pregnancy, with the knowledge and voluntary consent of the~~
18 ~~pregnant person, after the end of the second trimester of the~~
19 ~~pregnancy cause the death of an unborn child where death of the~~
20 ~~fetus unborn child does not result commits attempted feticide.~~
21 ~~Attempted feticide is a class "D" "B" felony.~~

22 ~~3. Any person who terminates a human pregnancy, with the~~
23 ~~knowledge and voluntary consent of the pregnant person, who~~
24 ~~is not a person licensed to practice medicine and surgery or~~
25 ~~osteopathic medicine and surgery under the provisions of chapter~~
26 ~~148, commits a class "C" felony.~~

27 4. A person who causes the death an unborn child during the
28 commission of a forcible felony is guilty of a class "A" felony.

29 5. A person who unintentionally causes the death of an unborn
30 child during the commission of a public offense other than a
31 forcible felony is guilty of a class "D" felony.

32 6. A person who unintentionally causes the death of an unborn
33 child by the commission of an act in a manner likely to cause
34 the death of or serious injury to the unborn child commits an
35 aggravated misdemeanor.

1 7. A person who intentionally causes serious injury to an
2 unborn child by the commission of an act in a manner likely to
3 cause the death of or serious injury to the unborn child commits
4 an aggravated misdemeanor.

5 8. A person who unintentionally causes serious injury to an
6 unborn child by the commission of an act in a manner likely to
7 cause the death of or serious injury to the unborn child commits
8 a serious misdemeanor.

9 ~~4. 9. This section shall not apply to the termination of~~
10 ~~a human pregnancy performed by a physician licensed in this~~
11 ~~state to practice medicine or surgery or osteopathic medicine~~
12 ~~or surgery when in the best clinical judgment of the physician~~
13 ~~the termination is performed to preserve the life or health~~
14 ~~of the pregnant person or of the fetus and every reasonable~~
15 ~~medical effort not inconsistent with preserving the life of~~
16 ~~the pregnant person is made to preserve the life of a viable~~
17 ~~fetus death of or serious injury to an unborn child that occurs~~
18 as a result of a medical procedure performed by a licensed
19 physician that is necessary, in the physician's reasonable
20 medical judgment, to preserve the life of a pregnant woman whose
21 life is endangered by a physical disorder, physical illness, or
22 physical injury, including a life-endangering physical condition
23 caused by or arising from the pregnancy, not including a
24 psychological, emotional, or familial condition, or the woman's
25 age; or when continuation of the pregnancy will create a serious
26 risk of substantial and irreversible impairment of a major bodily
27 function of the pregnant woman.

28 10. This section shall not apply to an act committed in
29 self-defense, in defense of another person, or any other act
30 committed if legally justified or excused.

31 11. A pregnant woman shall not be prosecuted for the death
32 or serious injury of her unborn child, or for a violation of
33 subsection 3.

34 12. The attorney general may prosecute a violation of this
35 section.

1 with the knowledge and voluntary consent of the pregnant person,
2 who is not a person licensed to practice medicine and surgery
3 or osteopathic medicine and surgery. The penalty for causing
4 the death of an unborn child during the commission of a forcible
5 felony is a class "A" felony.

6 Current law provides that a person who terminates a human
7 pregnancy without the consent of the pregnant person during the
8 commission of a felony or felonious assault is guilty of a class
9 "C" felony. Under the bill, a person who causes the death of an
10 unborn child during the commission of a public offense other than
11 a forcible felony commits a class "D" felony. Under the bill, a
12 person who unintentionally causes the death of an unborn child by
13 the commission of an act in a manner likely to cause the death
14 of or serious injury to the unborn child commits an aggravated
15 misdemeanor; a person who intentionally causes serious injury to
16 an unborn child by the commission of an act in a manner likely to
17 cause the death of or serious injury to the unborn child commits
18 an aggravated misdemeanor; a person who unintentionally causes
19 serious injury to an unborn child by the commission of an act in
20 a manner likely to cause the death of or serious injury to the
21 unborn child commits a serious misdemeanor.

22 Under the bill, Code section 707.7 shall not apply to the
23 death of or serious injury to an unborn child that occurs as a
24 result of a medical procedure performed by a licensed physician
25 that is necessary to preserve the life of a pregnant woman whose
26 life is endangered by a physical disorder, physical illness, or
27 physical injury as described in the bill. Code section 707.7
28 also does not apply to an act committed in self-defense, in
29 defense of another person, or any other act committed if legally
30 justified or excused.

31 Under the bill, a pregnant woman shall not be prosecuted for
32 the death or serious injury of or the attempt to cause death or
33 serious injury of her unborn child.

34 Current law specifies that Code section 707.7 does not apply
35 to the termination of a human pregnancy performed by a licensed

1 physician when in the best clinical judgment of the physician the
2 termination is performed to preserve the life or health of the
3 pregnant person or fetus.

4 The bill allows the attorney general to prosecute a violation
5 of Code section 707.7.

6 The bill repeals Code section 707.8.

7 A class "A" felony is punishable by confinement for life
8 without possibility of parole. A class "B" felony is punishable
9 by confinement for no more than 25 years. A class "C" felony
10 is punishable for no more than 10 years and a fine of at
11 least \$1,370 but not more than \$13,660. A class "D" felony is
12 punishable by confinement for no more than five years and a fine
13 of at least \$1,025 but not more than \$10,245. An aggravated
14 misdemeanor is punishable by confinement for no more than two
15 years and a fine of at least \$855 but not more than \$8,540. A
16 serious misdemeanor is punishable by a fine of at least \$430 but
17 not more than \$2,560.

18 The bill takes effect upon enactment.