

**House File 2563 - Introduced**

HOUSE FILE 2563  
BY COMMITTEE ON HEALTH AND HUMAN  
SERVICES

(SUCCESSOR TO HSB 704)

**A BILL FOR**

- 1 An Act relating to abortions including informed
- 2 consent, dispensing abortion-inducing drugs, and reporting
- 3 abortion-inducing drug complications.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I  
ABORTION — DEFINED

Section 1. Section 146B.1, subsection 1, Code 2026, is amended to read as follows:

1. "Abortion" means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus. "Abortion" does not include a spontaneous termination of pregnancy, commonly known as a miscarriage, if not all the products of conception are expelled.

DIVISION II  
INFORMED CONSENT

Sec. 2. Section 146A.1, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Prior to performing an abortion, a physician shall perform an in-person examination of the pregnant woman including screening for indicia of coercion or abuse. A physician shall, if necessary, refer the woman to an appropriate health care provider for treatment consistent with the examination results.

Sec. 3. Section 146A.1, subsection 6, Code 2026, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. "Abortion" means the same as defined in section 146B.1.

NEW PARAGRAPH. 00a. "Health care provider" means a person who is licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business or in the practice of a profession.

NEW PARAGRAPH. 0b. "Physician" means the same as defined in section 146B.1.

Sec. 4. NEW SECTION. **146A.2 Dispensing abortion-inducing drugs — licensee discipline.**

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

a. "Abortion-inducing drug" means the same as defined in section 146F.1.

1     *b.* "Chemical abortion" means the same as defined in section  
2 146F.1.

3     *c.* "Dispense" means the same as defined in section 146F.1.

4     *d.* "Medical emergency" means the same as defined in section  
5 146A.1.

6     *e.* "Pregnant" or "pregnancy" means the human female  
7 reproductive condition of having a living unborn child within  
8 the pregnant woman's body throughout every stage of the  
9 unborn child's life and development, from fertilization to full  
10 gestation and childbirth.

11     2. A physician who is performing or attempting to perform  
12 a chemical abortion shall do all of the following prior to  
13 prescribing or dispensing an abortion-inducing drug to a pregnant  
14 woman:

15     *a.* Obtain the signature of the woman on the United States  
16 food and drug administration patient agreement form required for  
17 each abortion-inducing drug authorized to be manufactured or sold  
18 in the United States.

19     *b.* Obtain written confirmation from the woman that the woman  
20 has been informed of all of the following information:

21         (1) The gestational age-specific risks of abortion-inducing  
22 drugs.

23         (2) The risks related to the specific abortion-inducing drug  
24 or drugs to be used, including hemorrhage, failure to remove  
25 all tissue of the unborn child, sepsis, sterility, and possible  
26 continuation of the pregnancy.

27         (3) That the United States federal food and drug  
28 administration recommends that the pregnant woman follow up with  
29 the woman's health care provider approximately seven to fourteen  
30 calendar days after the administration of an abortion-inducing  
31 drug to confirm complete termination of pregnancy has occurred  
32 and to evaluate the degree of bleeding.

33         (4) That women using abortion-inducing drugs have suffered  
34 trauma from seeing the remains of the unborn child in the process  
35 of a chemical abortion.

1 (5) That it may be possible to reverse the intended effects  
2 of a chemical abortion, but time is of the essence.

3 (6) That information on reversing the effects of a chemical  
4 abortion is available on the department's internet site.

5 c. Advise the pregnant woman how to access emergency surgical  
6 intervention in case of an incomplete abortion, severe bleeding,  
7 or other medical complications.

8 3. Subsection 2 shall not apply to a chemical abortion  
9 performed in a medical emergency.

10 4. This section shall not be construed to impose civil or  
11 criminal liability on a woman upon whom a chemical abortion has  
12 been performed.

13 5. A physician who fails to comply with this section is  
14 subject to licensee discipline under chapter 148.

15 6. The board of medicine shall adopt rules pursuant to  
16 chapter 17A to administer this section.

17 **Sec. 5. NEW SECTION. 146A.3 Informational materials.**

18 1. As used in this section, "chemical abortion" means the  
19 same as defined in section 146F.1.

20 2. The department shall publish on the department's internet  
21 site, in an easily accessible location and format, all of the  
22 following:

23 a. Notice that it may be possible to reverse the effects of a  
24 chemical abortion.

25 b. Information and resources on reversing the effects of a  
26 chemical abortion.

27 **DIVISION III**

28 **DISPENSING AND REPORTING — ABORTION-INDUCING DRUGS**

29 **Sec. 6. NEW SECTION. 146F.1 Definitions.**

30 As used in this chapter, unless the context otherwise  
31 requires:

32 1. "Abortion-inducing drug" means any of the following:

33 a. Mifepristone.

34 b. Misoprostol.

35 c. Any other drug, measure, or chemical approved by the

1 United States food and drug administration when prescribed  
2 or administered with the intent to terminate the pregnancy  
3 of a woman known to be pregnant. "Abortion-inducing drug"  
4 includes off-label use of a drug known to have abortion-inducing  
5 properties, which is prescribed with the intent of causing an  
6 abortion. "Abortion-inducing drug" does not include drugs that  
7 may be known to cause an abortion but that are prescribed for  
8 other medical conditions.

9 2. "Abortion-inducing drug complication" means any physical  
10 or psychological condition which, in the reasonable medical  
11 judgment of a health care provider, may occur as a primary or  
12 secondary result of the patient's use of abortion-inducing drugs  
13 including but not limited to:

- 14 a. Uterine rupture, bleeding, or hemorrhage.
- 15 b. Failure to actually terminate the pregnancy.
- 16 c. Incomplete abortion or retained tissue.
- 17 d. Missed ectopic pregnancy.
- 18 e. Infection.
- 19 f. Sepsis.

20 3. "Chemical abortion" means an abortion performed by the  
21 administration or use of an abortion-inducing drug.

22 4. "Department" means the department of health and human  
23 services.

24 5. "Dispense" means to distribute, administer, or send an  
25 abortion-inducing drug to the ultimate user.

26 6. "Health care provider" means the same as defined in  
27 section 146A.1.

28 7. "Health care setting" means a pharmacy, clinic, medical  
29 office, or hospital.

30 8. "Hospital" means the same as defined in section 135B.1.

31 9. "Interested party" means any of the following persons:

32 a. A woman upon whom a chemical abortion was performed or  
33 attempted.

34 b. The personal representative of a woman upon whom a  
35 chemical abortion was performed or attempted.

1 10. "Medical emergency" means the same as defined in section  
2 146A.1.

3 11. "Personal representative" means an administrator or an  
4 executor, or if there is no such personal representative  
5 appointed, then a person legally authorized to perform  
6 substantially the same functions.

7 12. "Physician" means the same as defined in section 146B.1.

8 13. "Postfertilization age" means the same as defined in  
9 section 146B.1.

10 14. "Pregnancy" or "pregnant" means the same as defined in  
11 section 146A.2.

12 15. "Rural emergency hospital" means the same as defined in  
13 section 135B.1.

14 Sec. 7. NEW SECTION. **146F.2 Dispensing of abortion-inducing**  
15 **drugs — restrictions.**

16 1. A person shall not dispense an abortion-inducing drug in  
17 this state unless all of the following criteria are met:

18 a. The drug is dispensed in a health care setting directly to  
19 the woman prescribed the drug.

20 b. The person dispensing the drug is authorized to do so  
21 pursuant to section 147.107.

22 2. Subsection 1 does not apply to the dispensing of an  
23 abortion-inducing drug in response to a medical emergency.

24 Sec. 8. NEW SECTION. **146F.3 Abortion-inducing drug**  
25 **complication — reporting.**

26 1. a. Within thirty calendar days of the date of discharge  
27 or death of a woman who presented with or was treated for an  
28 abortion-inducing drug complication, a hospital, rural emergency  
29 hospital, or an attending physician shall file a report with  
30 the department. The report shall be in a form prescribed by  
31 the department and include a list of the most common abortion  
32 complications and the most recent international classification of  
33 diseases code as maintained by the world health organization for  
34 each. The report must be completed and signed by the woman's  
35 attending physician and contain all of the following information:

1 (1) The age of the woman who presented with or was treated  
2 for an abortion-inducing drug complication.

3 (2) The state and county of residence of the woman who  
4 presented with or was treated for an abortion-inducing drug  
5 complication.

6 (3) The date the abortion-inducing drug was used by the  
7 woman.

8 (4) The probable postfertilization age of the unborn child on  
9 the date of the abortion-inducing drug complication.

10 (5) The identity of the physician who performed the chemical  
11 abortion, the facility where the chemical abortion was performed,  
12 and the referring physician, agency, or service, if any.

13 (6) The specific complication or complications that led to  
14 the treatment and the most recent international classification of  
15 diseases code for each complication as maintained by the world  
16 health organization, if applicable.

17 b. A report shall not contain the name of the woman or  
18 other information or identifiers that would make it possible to  
19 identify the woman who suffered the reported abortion-inducing  
20 drug complication.

21 2. A report filed pursuant to subsection 1 shall be  
22 confidential and not subject to disclosure under chapter 22.

23 3. a. On or before December 31, 2026, and every calendar  
24 year thereafter, the department shall prepare a comprehensive  
25 statistical report based upon the aggregated data gathered from  
26 reports filed pursuant to subsection 1 for the immediately  
27 preceding calendar year. The aggregated data shall be anonymized  
28 to prevent public disclosure of either of the following:

29 (1) The hospital, rural emergency hospital, or attending  
30 physician that filed a report.

31 (2) The woman about whom a report was filed.

32 b. The anonymized aggregated data shall be made available to  
33 the public by the department in a downloadable format on the  
34 department's internet site.

35 Sec. 9. NEW SECTION. **146F.4 Private cause of action —**

1 **civil liability.**

2 1. A person who dispenses an abortion-inducing drug in  
3 violation of section 146F.2 shall be civilly liable to any  
4 interested party for all damages caused by the abortion-inducing  
5 drug. A person who is subject to licensee discipline under  
6 chapter 148 or 155A shall be immune from civil liability under  
7 this section.

8 2. In addition to compensatory or punitive damages, a  
9 prevailing plaintiff who brings an action under this section is  
10 entitled to court costs and reasonable attorney fees.

11 3. In an action brought under this section, the name and  
12 other identifying characteristics of a woman who sought or  
13 obtained an abortion-inducing drug shall be redacted without a  
14 court order from all pleadings and documents filed in the action.  
15 The court may make further orders as necessary to protect the  
16 identity and privacy of the woman who sought or obtained an  
17 abortion-inducing drug.

18 4. This section shall not be construed to impose civil or  
19 criminal liability on a woman upon whom a chemical abortion is  
20 performed.

21 Sec. 10. NEW SECTION. **146F.5 Licensee discipline.**

22 A licensee who fails to comply with this chapter is subject to  
23 licensee discipline under chapter 148 or 155A.

24 DIVISION IV

25 ABORTION-RELATED PROVISIONS

26 Sec. 11. Section 144.29A, subsection 1, paragraph k, Code  
27 2026, is amended to read as follows:

28 k. The method used for an induced termination, including  
29 whether mifepristone or misoprostol was used.

30 Sec. 12. Section 144.29A, subsection 1, Code 2026, is amended  
31 by adding the following new paragraph:

32 NEW PARAGRAPH. l. If a spontaneous termination of pregnancy,  
33 whether the patient ingested mifepristone or misoprostol within  
34 fourteen calendar days prior to the date of the spontaneous  
35 termination of pregnancy.

1 Sec. 13. Section 144.29A, subsection 7, paragraph c, Code  
2 2026, is amended to read as follows:

3 c. "Spontaneous termination of pregnancy", commonly known as  
4 a miscarriage, means the occurrence of an unintended termination  
5 of pregnancy at any time during the period from conception to  
6 twenty weeks gestation and which is not a spontaneous termination  
7 of pregnancy at any time during the period from twenty weeks  
8 or greater which is reported to the department as a fetal death  
9 under this chapter.

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#### EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

13 This bill relates to abortions, including informed  
14 consent, dispensing of abortion-inducing drugs, and reporting  
15 abortion-inducing drug complications.

16 DIVISION I — ABORTION DEFINED. The bill excludes a  
17 spontaneous termination of pregnancy, if not all the products of  
18 conception are expelled, from the definition of abortion for the  
19 purpose of the reporting requirements and penalties on abortions  
20 under Code chapter 146B (abortion — postfertilization age).

21 DIVISION II — INFORMED CONSENT. Under the bill, a physician,  
22 prior to performing or attempting to perform an abortion, is  
23 required to perform an in-person examination of the woman seeking  
24 an abortion, including screening for indicia of coercion or  
25 abuse; if necessary, the physician shall make a referral to an  
26 appropriate health care provider consistent with the examination  
27 results.

28 The bill requires a physician who is performing or attempting  
29 to perform a chemical abortion, prior to prescribing or  
30 dispensing an abortion-inducing drug, to do all of the following:  
31 have the woman being prescribed or dispensed the drug sign a  
32 patient agreement form, obtain written confirmation that the  
33 physician has informed the woman of specific health and safety  
34 information related to abortion-inducing drugs as detailed in  
35 the bill, and advise the pregnant woman how to access emergency

1 surgical intervention in cases of an incomplete abortion, severe  
2 bleeding, or other medical complications. The bill specifies  
3 that these requirements shall not apply to a chemical abortion  
4 performed in response to a medical emergency. The bill provides  
5 that the prohibition on dispensing of abortion-inducing drugs  
6 shall not be construed to impose civil or criminal liability  
7 on a woman upon whom a chemical abortion has been performed.  
8 Under the bill, a physician who fails to comply with the informed  
9 consent requirements is subject to licensee discipline. The  
10 bill requires the board of medicine to adopt rules to administer  
11 this division of the bill. The bill defines "abortion-inducing  
12 drug", "chemical abortion", "dispense", "medical emergency", and  
13 "pregnant" or "pregnancy".

14 The bill requires the department of health and human services  
15 (HHS) to publish on HHS's internet site notice that it may be  
16 possible to reverse the effects of a chemical abortion, and  
17 information and resources on reversing the effects of a chemical  
18 abortion.

19 DIVISION III — DISPENSING AND REPORTING —  
20 ABORTION-INDUCING DRUGS. The bill defines "abortion-inducing  
21 drug", "abortion-inducing drug complication", "chemical  
22 abortion", "dispense", "health care setting", "interested party",  
23 "medical emergency", "physician", "postfertilization age", and  
24 "rural emergency hospital".

25 The bill prohibits a person from dispensing an  
26 abortion-inducing drug in this state unless the drug is dispensed  
27 in a health care setting directly to the woman prescribed the  
28 drug, and the person dispensing the drug is authorized to do so  
29 pursuant to Code section 147.107 (drug dispensing, supplying, and  
30 prescribing — limitations). These requirements do not apply to  
31 a medical emergency.

32 The bill requires a hospital, rural emergency hospital, or  
33 the attending physician to file a report with HHS using a  
34 prescribed form within 30 days of discharge or death of a  
35 woman who presented with or was treated for an abortion-inducing

1 drug complication. The form must be signed and completed  
2 by the attending physician and contain the age of the woman  
3 experiencing the abortion-inducing drug complication, the woman's  
4 state and county of residence, the date the abortion-inducing  
5 drug was used by the woman, and the probable postfertilization  
6 age of the unborn child at the time of the abortion-inducing  
7 drug complication. The report must identify the physician who  
8 performed the chemical abortion, the facility where the chemical  
9 abortion was performed, the referring physician, agency, or  
10 service, if any, and the specific complication or complications  
11 that led to the treatment performed along with the most recent  
12 international classification of diseases code for each, if  
13 applicable. The report shall be confidential and not subject to  
14 disclosure under Code chapter 22 (open records).

15 The bill also requires HHS to prepare annually on or  
16 before December 31 a comprehensive statistical report based  
17 upon the aggregated data gathered from the reports filed on  
18 abortion-inducing drug complications. Under the bill, the data  
19 gathered by HHS must be anonymized to prevent public disclosure  
20 of either the physician or hospital that filed a report, or the  
21 woman about whom a report is filed. HHS is required to make the  
22 anonymized data publicly available in a downloadable format on  
23 its internet site.

24 This division of the bill imposes civil liabilities on any  
25 person who dispenses an abortion-inducing drug in violation  
26 of this division of the bill for all damages caused by  
27 the abortion-inducing drug suffered by a woman upon whom a  
28 chemical abortion was performed or was attempted or the personal  
29 representative of the woman upon whom a chemical abortion was  
30 performed or was attempted. A licensed pharmacist or physician  
31 is immune from civil liability. The bill defines "personal  
32 representative" as an administrator or an executor, or if there  
33 is no such personal representative appointed, then a person  
34 legally authorized to perform substantially the same functions.  
35 A prevailing plaintiff in an action brought under this division

1 of the bill, in addition to compensatory and punitive damages,  
2 is entitled to court costs and reasonable attorney fees. In  
3 an action brought under this division of the bill, the name  
4 and other identifying characteristics of a woman who sought or  
5 obtained an abortion-inducing drug shall be redacted from all  
6 pleadings and documents filed in the action without a court  
7 order, and the court may make further orders as necessary to  
8 protect the identity and privacy of the woman who sought or  
9 obtained an abortion-inducing drug. This division of the bill  
10 is not to be construed to impose civil or criminal liability upon  
11 a woman upon whom a chemical abortion is performed.

12 Under the bill, a licensed pharmacist or physician that fails  
13 to comply with this division of the bill is subject to licensee  
14 discipline.

15 DIVISION IV — ABORTION-RELATED PROVISIONS. The bill amends  
16 Code section 144.29A (termination of pregnancy reporting —  
17 legislative intent) to require a health care provider that  
18 diagnoses or induces a spontaneous termination of pregnancy  
19 to include in the required report to HHS if mifepristone or  
20 misoprostol was used to induce a spontaneous termination of  
21 pregnancy. Current law requires the health care provider to  
22 only disclose if mifepristone was used to induce a spontaneous  
23 termination of pregnancy. The bill also requires the health care  
24 provider to disclose whether mifepristone or misoprostol were  
25 ingested by the patient within 14 days prior to the spontaneous  
26 termination of pregnancy.