

**House File 666 - Introduced**

HOUSE FILE 666

BY SHIPLEY, THOMPSON, FETT,  
HENDERSON, CISNEROS, GERHOLD,  
HAYES, WENGRYN, and FISHER

**A BILL FOR**

1 An Act relating to the Iowa human life protection Act, providing  
2 for civil actions and civil penalties, and including effective  
3 date provisions.

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

unofficial

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

26 6. The United States Supreme Court's ruling in *Dobbs*  
27 *v. 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 in  
33 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 as  
11 well as criminal prosecution as a racketeering enterprise under  
12 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  
15 to investigate and prosecute every abortion pill distribution  
16 network under 18 U.S.C. §1461 and §1462 and RICO.

17 Sec. 2. NEW SECTION. **146F.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. **146F.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 purpose  
24 of aiding or abetting elective abortions, and that pays for,  
25 reimburses, or subsidizes in any way the costs associated with  
26 obtaining an elective abortion.

27 2. "*Abortion-inducing drug*" means mifepristone, misoprostol,  
28 and any other medicine, drug, or other substance that  
29 is prescribed, dispensed, distributed, possessed, or used  
30 with the intent of terminating a clinically diagnosable  
31 pregnancy, with knowledge that the termination will with  
32 reasonable likelihood cause the death of the unborn child.

33 "*Abortion-inducing drug*" includes the off-label use of drugs  
34 known to have abortion-inducing properties which are prescribed,  
35 dispensed, distributed, possessed, or used specifically with

1 the 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 enters  
13 into a legal relationship created or governed by at least  
14 one written instrument, including a certificate of formation,  
15 a franchise agreement, standards of affiliation, bylaws, or a  
16 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 mark.

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

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

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

1 with reasonable likelihood, cause the death of an unborn child.

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

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

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

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

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

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

14 (3) Remove or treat an ectopic pregnancy.

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

18 d. A spontaneous abortion, commonly known as a miscarriage.

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

24 f. A medically indicated separation procedure.

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

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

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

35 11. "*Interactive computer service*" means any information

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

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

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

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

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

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

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

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

33 17. "*Policy*" includes a formal, written rule, policy,  
34 procedure, regulation, order, ordinance, motion, resolution, or  
35 amendment and an informal, unwritten policy.

1 18. "Political subdivision" means a city, county, township,  
2 or school district.

3 19. "Pregnant" means the human female reproductive condition  
4 of having a living unborn child within the human female's uterus.

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

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

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

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

28 d. An individual communicating as a private citizen on a  
29 matter of public concern.

30 21. "Unborn child" means an individual organism of the  
31 species homo sapiens from fertilization to live birth.

32 22. "Woman" or "women" includes every person whose biological  
33 sex is female, including every person born with XX chromosomes  
34 and a uterus, regardless of any gender identity that the person  
35 attempts to assert or claim.

1     Sec. 4. NEW SECTION.   **146F.3 Elective abortion —**  
2 **prohibitions — exceptions — exclusive qui tam enforcement.**

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

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

8     3. The prohibitions in this section shall apply if any  
9 portion of the prohibited conduct or elective abortion occurs in  
10 the state or within the jurisdiction of the state.

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

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

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

27    5. Notwithstanding any other law to the contrary, the  
28 prohibitions in this section shall not apply to any of the  
29 following:

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

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

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

9     d. Conduct taken at the behest of a federal agency,  
10 contractor, or employee that is carrying out duties under federal  
11 law, if a prohibition on that conduct would violate the doctrine  
12 of preemption or intergovernmental immunity.

13     Sec. 5. NEW SECTION.   **146F.4 Liability for wrongful death**  
14 **and personal injuries — elective abortion.**

15     1. Notwithstanding any other law to the contrary, a person  
16 who violates section 146F.3 shall be subject to all of the  
17 following:

18     a. Joint and several liability for the wrongful death of an  
19 unborn child who dies from the elective abortion.

20     b. Strict, and joint and several liability for all of the  
21 following:

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

24         (2) Any personal injuries suffered by an unborn child or  
25 pregnant woman or formerly pregnant woman from the elective  
26 abortion.

27     2. Notwithstanding any other law to the contrary, including  
28 section 633.336, a surviving parent of an unborn child who was  
29 aborted in violation of section 146F.3 may maintain an action for  
30 wrongful death against a person who knowingly violated section  
31 146F.3 resulting in the wrongful death of the unborn child.

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

34     a. Against a pregnant woman or formerly pregnant woman who  
35 aborted or attempted to abort the pregnant woman's unborn child.

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

5     c. By a person who through an act of sexual assault or incest  
6 impregnated the pregnant woman or formerly pregnant woman.

7     d. Against a provider or user of an interactive computer  
8 service if such a lawsuit would be preempted by 47 U.S.C.  
9 §230(c).

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

13    a. Compensatory damages, including but not limited to damages  
14 for medical expenses, pain and suffering, and emotional distress.

15    b. Court costs and reasonable attorney fees.

16    c. Punitive damages of not less than one hundred thousand  
17 dollars.

18    5. Notwithstanding any other law to the contrary, if a  
19 plaintiff who brings suit under this section in response to  
20 a drug-induced abortion is unable to identify the specific  
21 manufacturer of the abortion-inducing drug that caused the death  
22 or injury, liability shall be apportioned among all manufacturers  
23 of abortion-inducing drugs in proportion to each manufacturer's  
24 share of the market for abortion-inducing drugs.

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

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

31    8. This section shall not be construed to impose liability  
32 on speech or conduct protected by the first amendment to the  
33 Constitution of the United States, as made applicable to the  
34 states through the United States supreme court interpretations  
35 of the fourteenth amendment to the Constitution of the United

1 States, or by Article I, section 7, of the Constitution of the  
2 State of Iowa.

3 Sec. 6. NEW SECTION. **146F.5 Abortion-inducing drugs —**  
4 **prohibitions — qui tam enforcement.**

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

7 a. Manufacture, possess, or distribute abortion-inducing  
8 drugs in the state.

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

11 c. Engage in any conduct that constitutes aiding and abetting  
12 the manufacture, possession, distribution, mailing, transporting,  
13 delivery, or provision of abortion-inducing drugs.

14 2. Notwithstanding any other law to the contrary, subsection  
15 1 does not prohibit any of the following:

16 a. Speech or conduct protected by the first amendment to the  
17 Constitution of the United States, as made applicable to the  
18 states through the United States supreme court interpretations  
19 of the fourteenth amendment to the Constitution of the United  
20 States, or by Article I, section 7, of the Constitution of the  
21 State of Iowa.

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

24 c. Conduct taken at the behest of a federal agency,  
25 contractor, or employee that is carrying out duties under federal  
26 law, if a prohibition on that conduct would violate the doctrine  
27 of preemption or intergovernmental immunity.

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

30 e. The manufacture, possession, distribution, mailing,  
31 transporting, delivery, or provision of abortion-inducing drugs  
32 for a purpose that does not include termination of a pregnancy.

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

35 g. Any of the conduct described in section 146F.8, subsection

1 1.

2 3. a. Notwithstanding any other law to the contrary, the  
3 requirements of this section shall be enforced exclusively  
4 through the qui tam actions described in sections 146F.7 and  
5 146F.8.

6 b. Direct or indirect enforcement of this section shall not  
7 be taken or threatened by a governmental entity or an officer or  
8 employee of a governmental entity against a person, by any means,  
9 and violation of this section shall not be used to justify or  
10 trigger the enforcement of any other law or any type of adverse  
11 consequence under any other law, except as provided in sections  
12 146F.7 and 146F.8.

13 c. This section does not preclude or limit the enforcement of  
14 any other law or regulation against conduct that is independently  
15 prohibited by such other law or regulation, and that would remain  
16 prohibited by such other law or regulation in the absence of this  
17 section.

18 Sec. 7. NEW SECTION. **146F.6 Liability for wrongful death**  
19 **and personal injuries — abortion-inducing drugs.**

20 1. Notwithstanding any other law to the contrary, a person  
21 who manufactures, mails, distributes, transports, delivers, or  
22 provides abortion-inducing drugs; or who aids or abets the  
23 manufacture, mailing, distribution, transportation, delivery,  
24 or provision of abortion-inducing drugs shall be strictly,  
25 and jointly and severally liable for the wrongful death of  
26 an unborn child or pregnant woman who dies from the use of  
27 abortion-inducing drugs, and for any personal injuries suffered  
28 by an unborn child or pregnant woman or formerly pregnant woman  
29 from the use of abortion-inducing drugs.

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

35 3. A lawsuit shall not be brought under subsection 1 against

1 or by any of the following:

2 a. Against a pregnant woman or formerly pregnant woman who  
3 used or sought to obtain abortion-inducing drugs to abort or  
4 attempt to abort her unborn child.

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

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

11 d. Against a provider or user of an interactive computer  
12 service if such a lawsuit would be preempted by 47 U.S.C.  
13 §230(c).

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

17 a. Compensatory damages, including but not limited to damages  
18 for medical expenses, pain and suffering, and emotional distress.

19 b. Court costs and reasonable attorney fees.

20 c. Punitive damages of not less than one hundred thousand  
21 dollars.

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

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

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

35 8. a. It is an affirmative defense if a person sued under

1 this section was unaware that the person was engaged in the  
2 conduct described in this section, and took every reasonable  
3 precaution to ensure that the person would not manufacture,  
4 mail, distribute, transport, deliver, provide, or aid or abet the  
5 manufacture, mailing, distribution, transportation, delivery, or  
6 provision of abortion-inducing drugs.

7 b. The defendant has the burden of proving an affirmative  
8 defense under this subsection by a preponderance of the evidence.

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

16 Sec. 8. NEW SECTION. **146F.7 Qui tam enforcement for certain**  
17 **violations.**

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

22 a. Violates any provision of section 146F.3, 146F.5, or  
23 146F.14.

24 b. Intends to violate any provision of section 146F.3,  
25 146F.5, or 146F.14.

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

29 a. Against the pregnant woman or formerly pregnant woman upon  
30 whom an elective abortion was performed or induced or attempted  
31 to be performed or induced in violation of this chapter, or  
32 against a pregnant woman who intends to seek or who seeks an  
33 elective abortion in violation of this chapter.

34 b. Against a person that performs, aids or abets, or attempts  
35 to perform or aid or abet an elective abortion at the behest of

1 a federal agency, contractor, or employee that is carrying out  
2 duties under federal law, if a prohibition on elective abortion  
3 would violate the doctrine of preemption or intergovernmental  
4 immunity.

5 c. Against a common carrier that transports a pregnant woman  
6 to an abortion provider, if the common carrier is unaware that  
7 the pregnant woman intends to abort the pregnant woman's unborn  
8 child.

9 d. Against a provider or user of an interactive computer  
10 service if such a lawsuit would be preempted by 47 U.S.C.  
11 §230(c).

12 e. By a person who, through an act of sexual assault or  
13 incest, impregnated a woman who is seeking an elective abortion,  
14 or a person who acts in concert or participation with the person  
15 who impregnated the woman.

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

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

20 a. Injunctive relief sufficient to prevent the defendant from  
21 violating section 146F.3, 146F.5, or 146F.14.

22 b. Nominal and compensatory damages if the plaintiff has  
23 suffered injury or harm from the defendant's conduct, including  
24 but not limited to loss of consortium and emotional distress.

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

27 d. Court costs and reasonable attorney fees.

28 5. Notwithstanding subsection 4, a court shall not award  
29 relief under subsection 4, paragraph "c" or "d", in response  
30 to a violation of subsection 1, paragraph "a", if the defendant  
31 demonstrates that a court has already ordered the defendant  
32 to pay the full amount of civil penalties under subsection 4,  
33 paragraph "c", in another action for that particular violation of  
34 section 146F.3, 146F.5, or 146F.14.

35 6. Notwithstanding any other law to the contrary, a person

1 may bring an action under this section no later than six years  
2 from the date the cause of action accrues.

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

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

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

18 10. A person bringing an action under this section is  
19 entitled to receive twenty-five percent of the civil penalties  
20 recovered. The remainder of the recovered civil penalties shall  
21 be paid to the state.

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

24 Sec. 9. NEW SECTION. **146F.8 Qui tam enforcement —**  
25 **interactive computer services.**

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

30 a. Provides or maintains an interactive computer service that  
31 allows Iowa residents to access information or material that  
32 assists or facilitates efforts to obtain elective abortions or  
33 abortion-inducing drugs.

34 b. Provides or maintains a platform for downloading any  
35 application or software for use on a computer or electronic

1 device that is designed to assist or facilitate efforts to obtain  
2 elective abortions or abortion-inducing drugs.

3 c. Provides or maintains a platform that allows or enables  
4 those who provide or aid or abet elective abortions, or those  
5 who manufacture, mail, distribute, transport, deliver, or provide  
6 abortion-inducing drugs, to collect money, digital currency,  
7 resources, or any other thing of value in exchange for such  
8 services.

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

11 3. Except as provided in subsection 4, if a plaintiff  
12 prevails in an action brought under this section, the court shall  
13 award only declaratory and injunctive relief. A court shall not  
14 award damages in an action brought under this section, even if  
15 the plaintiff demonstrates harm from the defendant's conduct,  
16 nor shall a court award a prevailing plaintiff court costs or  
17 reasonable attorney fees.

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

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

22 b. Conduct taken at the behest of a federal agency,  
23 contractor, or employee that is carrying out duties under federal  
24 law, if the relief authorized under subsection 3 would violate  
25 the doctrine of preemption or intergovernmental immunity.

26 c. Conduct taken by a pregnant woman or formerly pregnant  
27 woman who aborted or attempted to abort such woman's unborn  
28 child, if such woman is the named defendant in the civil action.

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

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

34 (2) Upon discovering that the person's interactive computer  
35 service or platform was being used to assist or facilitate

1 efforts to obtain elective abortions or abortion-inducing drugs,  
2 the person took prompt action to block access to any information,  
3 material, application, or software that assists or facilitates  
4 efforts to obtain elective abortions or abortion-inducing drugs;  
5 and to block those who provide or aid or abet elective  
6 abortions and those who manufacture, mail, distribute, transport,  
7 deliver, or provide abortion-inducing drugs, from collecting  
8 money, digital currency, resources, or any other thing of value  
9 in exchange for such services through its interactive computer  
10 service or platform.

11 b. The defendant has the burden of proving an affirmative  
12 defense under this subsection by a preponderance of the evidence.

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

15 a. Held vicariously liable for any nominal, statutory, or  
16 compensatory damages incurred by another information content  
17 provider.

18 b. Held liable or legally responsible for the conduct of  
19 a publisher or speaker of any information provided by another  
20 information content provider.

21 c. Treated as the speaker or publisher of any information  
22 provided by another information content provider under any  
23 provision of state law.

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

27 b. Direct or indirect enforcement of this section shall not  
28 be taken or threatened by a governmental entity or an officer or  
29 employee of a governmental entity by any means, and a violation  
30 of this section shall not be used to justify or trigger the  
31 enforcement of any other law or any type of adverse consequence  
32 under any other law, except as provided in subsections 1, 2, and  
33 3.

34 c. This section does not preclude or limit the enforcement of  
35 any other law or regulation against conduct that is independently

1 prohibited by such other law or regulation, and that would remain  
2 prohibited by such other law or regulation in the absence of this  
3 section.

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

8 a. An action taken to restrict access to or availability of  
9 information or material that assists or facilitates access to  
10 elective abortions or abortion-inducing drugs, whether or not  
11 such information or material is constitutionally protected.

12 b. An action taken to enable or make available to information  
13 content providers or others the technical means to restrict  
14 access to information or material described in paragraph "a".

15 c. A denial of service to those who provide or aid or abet  
16 elective abortions, or those who manufacture, mail, distribute,  
17 transport, deliver, or provide abortion-inducing drugs.

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

20 Sec. 10. NEW SECTION. **146F.9 Affirmative defenses.**

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

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

28 (2) The defendant has standing to assert the rights of a  
29 third party under the tests for third-party standing established  
30 by the supreme court of the United States or the supreme court,  
31 and demonstrates that the imposition of civil liability on the  
32 defendant will violate federally protected rights or state or  
33 federal constitutional rights belonging to that third party.

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

1 (4) The imposition of civil liability on the defendant would  
2 violate the limits on extraterritorial jurisdiction imposed by  
3 the Constitution of the United States or the Constitution of the  
4 State of Iowa.

5 b. The defendant has the burden of proving the affirmative  
6 defense in subsection 1 by a preponderance of the evidence.

7 2. This section shall not limit or preclude a defendant from  
8 asserting the unconstitutionality of any provision or application  
9 of state law as a defense to liability under section 146F.6,  
10 146F.7, or 146F.8, or from asserting any other defense that might  
11 be available under any other source of law.

12 3. Notwithstanding any other law, a court shall not apply  
13 the law of another state or jurisdiction to any civil action  
14 brought under section 146F.6, 146F.7, or 146F.8, unless otherwise  
15 required by law.

16 Sec. 11. NEW SECTION. **146F.10 Defenses not applicable.**

17 Notwithstanding any law to the contrary, none of the following  
18 is a defense to an action brought under section 146F.4, 146F.6,  
19 or 146F.7:

20 1. Ignorance or mistake of law.

21 2. A defendant's belief that the requirements or provisions  
22 of this chapter are unconstitutional or were unconstitutional  
23 when the cause of action accrued.

24 3. A defendant's reliance on any court decision that has been  
25 vacated, reversed, or overruled on appeal or by a subsequent  
26 court, even if that court decision had not been vacated,  
27 reversed, or overruled when the cause of action accrued.

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

31 5. A defendant's reliance on any federal statute, agency  
32 rule or action, or treaty that has been repealed, superseded,  
33 or declared invalid or unconstitutional, even if that federal  
34 statute, agency rule or action, or treaty had not been repealed,  
35 superseded, or declared invalid or unconstitutional when the

1 cause of action accrued.

2 6. Nonmutual issue preclusion or nonmutual claim preclusion.

3 7. The consent of the plaintiff or the pregnant woman  
4 or formerly pregnant woman, the consent of a parent of the  
5 pregnant woman or formerly pregnant woman if such woman was an  
6 unemancipated minor, or the consent of the legal guardian of  
7 the pregnant woman or formerly pregnant woman to the elective  
8 abortion.

9 8. Contributory or comparative negligence.

10 9. Assumption of risk.

11 10. Any claim that the enforcement of this chapter or the  
12 imposition of civil liability against the defendant will violate  
13 the constitutional rights of third parties, except as provided by  
14 section 146F.9, subsection 1.

15 Sec. 12. NEW SECTION. **146F.11 Venue.**

16 1. Notwithstanding any other law to the contrary, including  
17 chapter 616, a civil action brought under section 146F.6, 146F.7,  
18 or 146F.8 may be brought in any of the following:

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

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

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

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

27 2. If a civil action is brought under section 146F.6, 146F.7,  
28 or 146F.8 in any venue described in subsection 1, the action  
29 shall not be transferred to a different venue without the written  
30 consent of all parties.

31 Sec. 13. NEW SECTION. **146F.12 Personal jurisdiction —**  
32 **choice of law — class action lawsuits.**

33 1. Notwithstanding any other law to the contrary, including  
34 section 617.3, the courts of this state shall have personal  
35 jurisdiction over a defendant sued under section 146F.4, 146F.6,

1 146F.7, or 146F.8.

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

5 3. Notwithstanding any other law to the contrary, including  
6 rule of civil procedure 1.262, a civil action under this section  
7 shall not be litigated on behalf of a plaintiff class or a  
8 defendant class, and a court shall not certify a class under  
9 rule of civil procedure 1.262 in any civil action brought under  
10 section 146F.4, 146F.6, 146F.7, or 146F.8.

11 Sec. 14. NEW SECTION. **146F.13 Protection from counter**  
12 **lawsuits.**

13 If a lawsuit is brought or a judgment entered against a person  
14 in any state or federal court, and the lawsuit or liability in  
15 whole or in part is based on that person's decision or threat  
16 to bring an action under section 146F.6, 146F.7, or 146F.8,  
17 that person may recover damages from a party that brought the  
18 action, obtained the judgment, or sought to enforce the judgment.  
19 Recoverable damages shall include all of the following:

20 1. Compensatory damages created by the lawsuit or judgment  
21 including but not limited to monetary damages in the amount of  
22 the judgment, and court costs, expenses, and reasonable attorney  
23 fees expended in defending the action.

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

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

28 Sec. 15. NEW SECTION. **146F.14 Government contractors and**  
29 **grant recipients — qui tam liability.**

30 1. A person that enters into a contract with a governmental  
31 entity or a subcontract with a contractor of a governmental  
32 entity, or that receives any grant or funding from a governmental  
33 entity shall not pay for, reimburse, or subsidize in any way the  
34 costs associated with an elective abortion, regardless of the  
35 person upon whom the elective abortion is performed, where the

1 elective abortion is performed, or the law of the jurisdiction in  
2 which the elective abortion is performed, including by engaging  
3 in any of the following acts:

4 a. Providing coverage of elective abortions as an employee  
5 benefit.

6 b. Paying for, reimbursing, or subsidizing the travel costs  
7 associated with obtaining an elective abortion, or covering those  
8 costs as an employee benefit.

9 c. Donating or lending money, digital currency, resources, or  
10 any other thing of value to an abortion provider, abortion fund,  
11 or an affiliate of an abortion provider, either directly or by  
12 laundering the donation or loan through an intermediary.

13 d. Offering, providing, or lending money, digital currency,  
14 resources, or any other thing of value with the knowledge that  
15 the thing of value will be used to pay for, offset, or reimburse  
16 the costs of an elective abortion or the costs associated with  
17 procuring an elective abortion.

18 e. Performing or providing any type of work or service for an  
19 abortion provider, abortion fund, or an affiliate of an abortion  
20 provider, regardless of whether such work or service is done on  
21 a paid, contract, or volunteer basis, except for the provision  
22 of basic public services, including fire and police protection  
23 and utilities, by a governmental entity or a common carrier to  
24 an abortion provider, an abortion fund, or an affiliate of an  
25 abortion provider in the same manner as the governmental entity  
26 or common carrier provides the services to the general public.

27 f. Paying, offering to pay, or providing insurance that  
28 covers legal expenses, court judgments, or settlements of those  
29 who violate the abortion laws of the United States, or the  
30 abortion laws of any state, local, or foreign jurisdiction.

31 g. Engaging in any conduct that would constitute aiding and  
32 abetting an elective abortion, regardless of the person upon  
33 whom the elective abortion is performed, where the elective  
34 abortion is performed, or the law of the jurisdiction in which  
35 the elective abortion is performed.

1 2. A person shall not enter into a contract with a  
2 governmental entity, enter into a subcontract with a contractor  
3 of a governmental entity, or receive any grant or funding from a  
4 governmental entity, unless the person certifies in writing that  
5 the person complies with each of the requirements in subsection  
6 1.

7 3. A person that violates subsection 1 after entering into a  
8 contract with a governmental entity, entering into a subcontract  
9 with a contractor of a governmental entity, or receiving any type  
10 of grant or funding from a governmental entity, shall be subject  
11 to qui tam liability as provided in section 146F.7.

12 **Sec. 16. NEW SECTION. 146F.15 Internet service providers —**  
13 **blocking access to certain information — immunity — recoverable**  
14 **damages resulting from lawsuit.**

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

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

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

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

25 (2) An internet site, platform, or other interactive computer  
26 service for downloading any application or software for use  
27 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 computer  
31 service that allows or enables those who provide or aid or abet  
32 elective abortions, or those who manufacture, mail, distribute,  
33 transport, deliver, or provide abortion-inducing drugs, to  
34 collect money, digital currency, resources, or any other thing of  
35 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 service  
3 provided by an entity that provides internet service in the  
4 state may notify that internet service provider and request that  
5 the internet service provider block access to the information  
6 or material. A person may provide notification by any of the  
7 following means:

8 a. Calling the internet service provider's customer support  
9 number and providing a precise description and location of the  
10 information or material described in subsection 1.

11 b. Mailing a letter to the internet service provider and  
12 providing a precise description and location of the information  
13 or material described in subsection 1.

14 3. Notwithstanding any other law to the contrary, direct  
15 or indirect enforcement of this section shall not be taken or  
16 threatened by a governmental entity, or by an officer or employee  
17 of a governmental entity, by any means. However, the state, its  
18 political subdivisions, and officers and employees of the state  
19 and its political subdivisions may ask or encourage internet  
20 service providers to comply with the provisions of this section.

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

24 a. An action taken to comply with the requirements of this  
25 section, or to restrict access to or availability of any of the  
26 information or material described in subsection 1.

27 b. An action taken to enable or make available to information  
28 content providers or others the technical means to restrict  
29 access to information or material described in subsection 1.

30 c. A denial of service to those who use or seek to use the  
31 internet to make available information or material described in  
32 subsection 1.

33 5. If a lawsuit is brought or a judgment entered against an  
34 internet service provider in any state or federal court, and  
35 the lawsuit or liability in whole or in part is based on the

1 internet service provider's compliance with the requirements of  
2 this section, the internet service provider may recover damages  
3 from a party that brought the action, obtained that judgment,  
4 or sought to enforce that judgment. Recoverable damages shall  
5 include all of the following:

6 a. Compensatory damages created by the lawsuit or judgment,  
7 including but not limited to monetary damages in the amount of  
8 the judgment, expenses, and reasonable attorney fees spent in  
9 defending the action.

10 b. Court costs, expenses, and reasonable attorney fees  
11 incurred in bringing an action under this section.

12 c. Additional statutory damages in an amount not less than  
13 one hundred thousand dollars.

14 Sec. 17. NEW SECTION. **146F.16 Internet service in publicly**  
15 **owned buildings — public libraries and school districts**  
16 **and institutions of higher education — access to certain**  
17 **information.**

18 1. A publicly owned building in the state that provides  
19 internet service shall be equipped to operate a technology  
20 protection measure with respect to each of the computers with  
21 internet access in the publicly owned building that protects  
22 against access through those computers to all of the following:

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

24 b. Information or material that is intended to assist  
25 or facilitate efforts to obtain elective abortions or  
26 abortion-inducing drugs, including but not limited to the  
27 following interactive computer services:

28 (1) An internet site, platform, or other interactive computer  
29 service operated by or on behalf of an abortion provider or  
30 abortion fund.

31 (2) An internet site, platform, or other interactive computer  
32 service for downloading any application or software for use  
33 on a computer or electronic device that is designed to  
34 assist or facilitate efforts to obtain elective abortions or  
35 abortion-inducing drugs.

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

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

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

19 **Sec. 18. NEW SECTION. 146F.17 Governmental entities and**  
20 **political subdivisions — prohibitions relating to elective**  
21 **abortion and taxpayer resource transactions — qui tam actions.**

22 1. a. Notwithstanding any other law to the contrary,  
23 a political subdivision may enact and enforce ordinances  
24 regulating, restricting, or prohibiting elective abortion and  
25 conduct that aids or abets elective abortion.

26 b. A provision of state law shall not be construed to limit  
27 a political subdivision from enacting or enforcing ordinances  
28 regulating, restricting, or prohibiting elective abortion and  
29 conduct that aids or abets elective abortion, unless it clearly  
30 and explicitly does so with specific reference to this section.

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

33 a. An abortion fund.

34 b. An abortion provider.

35 c. An affiliate of an abortion provider.

1     d. A person who pays for, reimburses, or subsidizes in any  
2 way the costs associated with an elective abortion, regardless  
3 of the person upon whom the elective abortion is performed,  
4 where the elective abortion is performed, and the law of the  
5 jurisdiction in which the elective abortion is performed, unless  
6 required to do so by federal law or as a condition of receiving  
7 federal funds.

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

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

17     (1) Declaratory and injunctive relief.

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

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

27     (4) Court costs and reasonable attorney fees.

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

35     5. Sovereign immunity, governmental immunity, and official

1 immunity are waived and abrogated in any lawsuit brought under  
2 subsection 3, and shall not be asserted as a defense in those  
3 proceedings.

4 6. A person bringing an action under this section is entitled  
5 to receive twenty-five percent of the civil penalties recovered.  
6 The remainder of the recovered civil penalties shall be paid to  
7 the state.

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

10 Sec. 19. NEW SECTION. **146F.18 Medicaid — persons qualified**  
11 **to perform services.**

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

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

19 b. A person that performs or participates in an elective  
20 abortion in violation of the laws of this state or in violation  
21 of the laws of another state.

22 c. An abortion provider or affiliate of an abortion provider.

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

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

34 Sec. 20. NEW SECTION. **146F.19 Costs of lawsuits for**  
35 **injunctive or declaratory relief relating to restrictions on**

**1 elective abortions — payment to prevailing party.**

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

17 2. For purposes of this section, a party is considered a  
18 prevailing party if a state or federal court does any of the  
19 following:

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

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

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

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

1 a. The dismissal or judgment described in subsection 2  
2 becomes final on the conclusion of appellate review.

3 b. The time for seeking appellate review expires.

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

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

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

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

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

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

20 (2) The county of residence for any one of the natural person  
21 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 to  
27 require a civil action under subsection 4 to be litigated in a  
28 forum other than as specified in paragraph "a" shall be void as  
29 against public policy, and shall not be enforced in any state or  
30 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 of  
34 all parties.

35 Sec. 21. NEW SECTION. **146F.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 146F.6, 146F.7, or 146F.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 the  
18 constitutional sovereign immunity which applies in both state and  
19 federal court and which may not be abrogated by the congress  
20 of the United States or by any state or federal court except  
21 pursuant to legislation authorized by section 5 of the fourteenth  
22 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 court,  
25 both state and federal, and in every adjudicative proceeding of  
26 any type.

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

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

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

4 5. Notwithstanding any other law to the contrary, including  
5 rule of civil procedure 1.1101, and sections 602.4102, 602.5103,  
6 and 602.6101, a court of this state shall not award declaratory  
7 or injunctive relief or any type of writ that would pronounce  
8 any provision or application of this chapter invalid or  
9 unconstitutional, or that would restrain the state, its political  
10 subdivisions, an officer or employee of this state or a  
11 political subdivision, or a person from enforcing any provision  
12 or application of this chapter, or from hearing, adjudicating,  
13 docketing, or filing a civil action brought under section 146F.6,  
14 146F.7, or 146F.8, and a court of this state shall not have  
15 jurisdiction to consider any action, claim, or counterclaim that  
16 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 of  
26 this state that purports to restrain the state, its political  
27 subdivisions, an officer or employee of this state or a political  
28 subdivision, or any person from hearing, adjudicating, docketing,  
29 or filing a civil action brought under section 146F.6, 146F.7,  
30 or 146F.8, shall be a legal nullity and a violation of the due  
31 process clause of the fourteenth amendment of the Constitution  
32 of the United States, and shall not be enforced or obeyed by an  
33 officer or employee of this state or a political subdivision,  
34 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 be  
4 subject to suit by a person who is prevented from or delayed in  
5 bringing a civil action under section 146F.6, 146F.7, or 146F.8,  
6 and a plaintiff who prevails in an action brought under this  
7 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 146F.6,  
29 146F.7, or 146F.8, shall pay the court costs and reasonable  
30 attorney fees of the person sued. A person may bring a civil  
31 action to recover the court costs and reasonable attorney fees in  
32 state or federal court. It shall not be a defense to a civil  
33 action brought under this subsection that any of the following  
34 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 of  
5 this section invalid, unconstitutional, or preempted by federal  
6 law, notwithstanding the doctrines of issue or claim preclusion.

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

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

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

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

16 Sec. 23. SEVERABILITY.

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

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

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

28 EXPLANATION

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

31 This bill creates the Iowa human life protection Act in new  
32 Code chapter 146F, and provides for civil actions and civil  
33 penalties. The bill includes findings relating to human life and  
34 abortion.

35 New Code section 146F.2 provides definitions used

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

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

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

1 the general public; or conduct taken at the behest of a federal  
2 agency, contractor, or employee that is carrying out duties under  
3 federal law, if a prohibition on that conduct would violate the  
4 doctrine of preemption or intergovernmental immunity.

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

19 The bill prohibits a lawsuit under new Code section 146E.4  
20 against and by certain people including: against a pregnant  
21 woman or formerly pregnant woman who aborted or attempted  
22 to abort the pregnant woman's unborn child; against a person  
23 that acted at the behest of a federal agency, contractor, or  
24 employee that is carrying out duties under federal law, if the  
25 imposition of liability would violate the doctrine of preemption  
26 or intergovernmental immunity; by a person who through an act  
27 of sexual assault or incest impregnated the pregnant woman or  
28 formerly pregnant woman; and against a provider or user of an  
29 interactive computer service if such a lawsuit would be preempted  
30 by federal law. A prevailing plaintiff is entitled to recover  
31 compensatory damages, court costs and reasonable attorney fees,  
32 and punitive damages of not less than \$100,000.

33 Under new Code section 146F.4, if a plaintiff brings suit in  
34 response to a drug-induced abortion and is unable to identify  
35 the specific manufacturer of the abortion-inducing drug that

1 caused the death or injury, liability is apportioned among all  
2 manufacturers of abortion-inducing drugs in proportion to each  
3 manufacturer's share of the market for abortion-inducing drugs.  
4 A person may bring an action no later than six years from the  
5 date the cause of action accrues. Waiver of the right to sue  
6 is void as against public policy and shall not be enforceable in  
7 any court. The Code section shall not be construed to impose  
8 liability on constitutionally protected speech or conduct.

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

33 New Code section 146F.5 shall only be enforced as a qui  
34 tam action as provided under the bill and direct or indirect  
35 enforcement of the Code section shall not be taken or threatened.

1 However, the Code section does not preclude or limit the  
2 enforcement of any other law or regulation against conduct that  
3 is independently prohibited by such other law or regulation, and  
4 that would remain prohibited by such other law or regulation.

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

23 New Code section 146F.6 prohibits a lawsuit from being brought  
24 against a pregnant woman or formerly pregnant woman who used or  
25 sought to obtain abortion-inducing drugs to abort or attempt to  
26 abort her unborn child; against a person that acted at the behest  
27 of a federal agency, contractor, or employee that is carrying  
28 out duties under federal law, if the imposition of liability  
29 would violate the doctrine of preemption or intergovernmental  
30 immunity; by a person who, through an act of sexual assault or  
31 incest, impregnated the woman who used abortion-inducing drugs;  
32 or against a provider or user of an interactive computer service  
33 if such a lawsuit would be preempted by federal law.

34 A prevailing plaintiff under new Code section 146E.6 is  
35 entitled to recover compensatory damages, court costs and

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

21 New Code section 146F.7 provides for qui tam enforcement  
22 for certain violations under the bill. A person, other  
23 than a governmental entity or an officer or employee of a  
24 governmental entity, has standing to bring and may bring a qui  
25 tam action against any person that violates any provision of  
26 new Code section 146F.3 (elective abortion prohibitions), 146F.4  
27 (abortion-inducing drugs prohibitions), or 146F.14 (government  
28 contractors and grant recipients); or any person who intends to  
29 violate any provision of those Code sections. A civil action  
30 shall not be brought under the Code section against the pregnant  
31 woman or formerly pregnant woman upon whom an elective abortion  
32 was performed or induced or attempted to be performed or induced  
33 or against a pregnant woman who intends or who seeks an elective  
34 abortion in violation of the new Code chapter; against any person  
35 that performs, aids or abets, or attempts to perform or aid or

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

32 New Code section 146F.8 provides for qui tam enforcement  
33 for violations relating to interactive computer services. The  
34 Code section provides that a person, other than a governmental  
35 entity or an officer or employee of a governmental entity, has

1 standing to bring and may bring a qui tam action against a person  
2 that provides or maintains an interactive computer service that  
3 allows Iowa residents to access information or material that  
4 assists or facilitates efforts to obtain elective abortions or  
5 abortion-inducing drugs; provides or maintains a platform for  
6 downloading any application or software for use on a computer  
7 or electronic device that is designed to assist or facilitate  
8 efforts to obtain elective abortions or abortion-inducing drugs;  
9 or provides or maintains a platform that allows or enables those  
10 who provide or aid or abet elective abortions, or those who  
11 manufacture, mail, distribute, transport, deliver, or provide  
12 abortion-inducing drugs, to collect money, digital currency,  
13 resources, or any other thing of value in exchange for such  
14 services.

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

27 Under new Code section 146F.8, it is an affirmative  
28 defense if a person who sued was unaware that the person's  
29 interactive computer service or platform was being used to  
30 assist or facilitate efforts to obtain elective abortions or  
31 abortion-inducing drugs; and upon discovering that the person's  
32 interactive computer service or platform was being used to  
33 assist or facilitate such efforts, the person took prompt action  
34 to block access to any information, material, application, or  
35 software and to block those who provide or aid or abet elective

1 abortions and those who manufacture, mail, distribute, transport,  
2 deliver, or provide abortion-inducing drugs, from collecting  
3 money, digital currency, resources, or any other thing of value  
4 in exchange for such services through its interactive computer  
5 service or platform. The defendant has the burden of proving  
6 an affirmative defense by a preponderance of the evidence. A  
7 person who engages in the violative conduct shall not be held  
8 vicariously liable for any nominal, statutory, or compensatory  
9 damages incurred by another information content provider; held  
10 liable or legally responsible for the conduct of any publisher  
11 or speaker of any information provided by another information  
12 content provider; or treated as the speaker or publisher of  
13 any information provided by another information content provider  
14 under any provision of state law.

15 New Code section 146F.8 shall be enforced exclusively through  
16 the qui tam action and direct or indirect enforcement of this  
17 Code section shall not be taken or threatened. However, the  
18 Code section does not preclude or limit the enforcement of any  
19 other law or regulation against conduct that is independently  
20 prohibited by such other law or regulation, and that would remain  
21 prohibited by such other law or regulation in the absence of the  
22 Code section.

23 Under new Code section 146F.8, a provider or user of an  
24 interactive computer service shall have absolute and nonwaivable  
25 immunity from liability or suit on account of an action taken  
26 to restrict access to or availability of information or material  
27 that assists or facilitates access to elective abortions or  
28 abortion-inducing drugs, whether or not such information or  
29 material is constitutionally protected; an action taken to enable  
30 or make available to information content providers or others the  
31 technical means to restrict access to information or material  
32 described in the Code section; or a denial of service to those  
33 who provide or aid or abet elective abortions, or those who  
34 manufacture, mail, distribute, transport, deliver, or provide  
35 abortion-inducing drugs. The state is not liable for expenses

1 that a person incurs in bringing an action under the Code  
2 section.

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

17 New Code section 146F.10 specifies the defenses that are  
18 not applicable to an action brought under Code section 146F.4  
19 (liability for wrongful death and personal injury — elective  
20 abortion), 146F.6, or 146F.7.

21 New Code section 146F.11 includes venue provisions and  
22 provides that if an action is brought under new Code section  
23 146F.6, 146F.7, or 146F.8, the action shall not be transferred  
24 to a different venue without the written consent of all parties.

25 New Code section 146F.12 includes provisions relating to  
26 personal jurisdiction, choice of law, and class action lawsuits.  
27 The Code section provides that the courts of this state shall  
28 have personal jurisdiction over any defendant sued under Code  
29 section 146F.4, 146F.6, 146F.7, or 146F.8; Iowa law shall apply  
30 to these actions, and such civil actions shall not be litigated  
31 on behalf of a plaintiff class or a defendant class, and a court  
32 shall not certify a class in any civil action brought under these  
33 Code sections.

34 New Code section 146F.13 provides protection from counter  
35 lawsuits by providing that when a lawsuit has been brought or

1 a judgment entered against a person in any state or federal  
2 court in which the lawsuit or liability in whole or in part is  
3 based on that person's decision or threat to bring an action  
4 under Code section 146F.6, 146F.7, or 146F.8, that person may  
5 recover damages from any party that brought the action, obtained  
6 the judgment, or sought to enforce the judgment. Recoverable  
7 damages include compensatory damages; court costs, expenses,  
8 and reasonable attorney fees incurred in bringing an action to  
9 recover the costs; and additional statutory damages in an amount  
10 of not less than \$100,000.

11 New Code section 146F.14 relates to government contractors  
12 and grant recipients and qui tam liability. The Code section  
13 provides that a person that enters into a contract with a  
14 governmental entity or a subcontract with a contractor of a  
15 governmental entity, or that receives any grant or funding from  
16 a governmental entity shall not pay for, reimburse, or subsidize  
17 in any way the costs associated with an elective abortion  
18 including by providing coverage of elective abortions as an  
19 employee benefit; paying for, reimbursing, or subsidizing the  
20 travel costs associated with obtaining an elective abortion, or  
21 covering those costs as an employee benefit; donating or lending  
22 money, digital currency, resources, or any other thing of value  
23 to an abortion provider, abortion fund, or an affiliate of an  
24 abortion provider, either directly or by laundering the donation  
25 or loan through an intermediary; offering, providing, or lending  
26 money, digital currency, resources, or any other thing of value  
27 with the knowledge that the thing of value will be used to  
28 pay for, offset, or reimburse the costs of an elective abortion  
29 or the costs associated with procuring an elective abortion;  
30 performing or providing any type of work or service for an  
31 abortion provider, abortion fund, or an affiliate of an abortion  
32 provider, regardless of whether such work or service is done on  
33 a paid, contract, or volunteer basis, except for the provision  
34 of basic public services in the same manner as the governmental  
35 entity or common carrier provides the services to the general

1 public; paying, offering to pay, or providing insurance that  
2 covers legal expenses, court judgments, or settlements of those  
3 who violate the abortion laws of the United States, or the  
4 abortion laws of any state, local, or foreign jurisdiction; or  
5 engaging in any conduct that would constitute aiding and abetting  
6 an elective abortion. Additionally, a person shall not enter  
7 into the specified contracts or receive any grant or funding from  
8 a governmental entity, unless the person certifies in writing  
9 that the person complies with the requirements. A person who  
10 violates this Code section is subject to qui tam liability as  
11 provided in new Code section 146F.7.

12 New Code section 146F.15 relates to internet service  
13 providers. The Code section provides that an internet service  
14 provider that provides service in the state shall make all  
15 reasonable and technologically feasible efforts to block access  
16 to child pornography as defined in federal law and information  
17 or material that is intended to assist or facilitate efforts to  
18 obtain elective abortions or abortion-inducing drugs. A person  
19 who becomes aware that information or material described is  
20 accessible through internet service provided by an entity that  
21 provides internet service in the state may notify that internet  
22 service provider and request that the internet service provider  
23 block access to the information or material through any means  
24 specified in the bill. While direct or indirect enforcement  
25 shall not be taken or threatened by a governmental entity or by  
26 any officer or employee of a governmental entity, the state, its  
27 political subdivisions, and officers and employees of the state  
28 and its political subdivisions may ask or encourage internet  
29 service providers to comply with the provisions of the Code  
30 section. An internet service provider shall have absolute and  
31 nonwaivable immunity from liability or suit on account of an  
32 action taken as described in the Code section. If a lawsuit  
33 is brought or a judgment entered against an internet service  
34 provider in any state or federal court based on the internet  
35 service provider's compliance with the Code section, the internet

1 service provider may recover costs related to the action as well  
2 as compensatory damages and statutory damages of not less than  
3 \$100,000.

4 New Code section 146F.16 relates to internet service in  
5 publicly owned buildings, public libraries, school district  
6 locations, and institutions of higher education relative to  
7 access to certain information. A publicly owned building in  
8 the state that provides internet service shall be equipped to  
9 operate a technology protection measure with respect to each  
10 of the computers with internet access in the publicly owned  
11 building that protects against access through those computers  
12 to child pornography as defined in federal law and information  
13 or material that is intended to assist or facilitate efforts to  
14 obtain elective abortions or abortion-inducing drugs, including  
15 through interactive computer services. A person who becomes  
16 aware that information or material described in the Code  
17 section is accessible through internet service provided by  
18 a government-owned building, public library, school district  
19 location, or location of an institution of higher education  
20 governed by the state board of regents may notify an authority  
21 with control over the building and request that the authority  
22 block access to that information or material. The authority  
23 may disable a technology protection measure that blocks the  
24 information specified under subsection 1 to enable access for  
25 bona fide research or other lawful purposes.

26 New Code section 146F.17 relates to governmental entities  
27 and political subdivisions and prohibitions relating to elective  
28 abortion and taxpayer resource transactions. A political  
29 subdivision may enact and enforce ordinances regulating,  
30 restricting, or prohibiting elective abortion and conduct that  
31 aids or abets elective abortion. A provision of state law  
32 shall not be construed to limit a political subdivision from  
33 enacting or enforcing ordinances regulating, restricting, or  
34 prohibiting elective abortion and conduct that aids or abets  
35 elective abortion, unless it clearly and explicitly does so with

1 specific reference to the Code section. The Code section also  
2 prohibits a governmental entity from entering into a taxpayer  
3 resource transaction with certain entities unless required to  
4 do so by federal law or as a condition of receiving federal  
5 funds. A person has standing to bring and may bring a qui  
6 tam action against any person that enacts, issues, enforces,  
7 or attempts to enforce any ordinance, order, rule, directive,  
8 requirement, or written or unwritten policy described in the  
9 Code section or that enters into a taxpayer resource transaction  
10 described in the Code section. An action under the Code section  
11 shall be brought in the name of the person and the state. A  
12 plaintiff who prevails in a qui tam action brought under the Code  
13 section shall recover and be granted declaratory and injunctive  
14 relief, nominal and compensatory damages if the plaintiff has  
15 suffered injury or harm from the defendant's conduct, civil  
16 penalties in an amount of not less than \$10,000 for each policy  
17 that violates the Code section and for each prohibited taxpayer  
18 resource transaction, and court costs and reasonable attorney  
19 fees. Sovereign immunity, governmental immunity, and official  
20 immunity are waived and abrogated in any lawsuit brought under  
21 the Code section and shall not be asserted as a defense. A  
22 person bringing an action under the Code section is entitled  
23 to receive 25 percent of the civil penalties recovered, with  
24 the remainder paid to the state. The state is not liable for  
25 expenses that a person incurs in bringing an action under the  
26 Code section.

27 New Code section 146F.18 relates to persons qualified to  
28 perform services under the Medicaid program. The Code section  
29 provides that certain persons are not deemed persons qualified to  
30 perform the service or services as described in federal law under  
31 the Medicaid program. The state and its officers and employees  
32 have sovereign immunity in any lawsuit brought to restrain the  
33 state and its officers and employees from enforcing the Code  
34 section. An attorney representing the state, its political  
35 subdivisions, or any officer or employee of the state or a

1 political subdivision shall not waive the immunity described in  
2 the Code section or take any action that would result in a waiver  
3 of that immunity, and any such action or purported waiver shall  
4 be a legal nullity and an ultra vires act.

5 New Code section 146F.19 relates to the costs of lawsuits  
6 for injunctive or declaratory relief relating to restrictions on  
7 elective abortions. The bill provides that a person that seeks  
8 declaratory or injunctive relief to prevent certain persons from  
9 enforcing or bringing suit to enforce certain actions, is jointly  
10 and severally liable to pay the court costs and reasonable  
11 attorney fees of the prevailing party, including the court costs  
12 and reasonable attorney fees that the prevailing party incurs  
13 in the prevailing party's efforts to recover such court costs  
14 and reasonable attorney fees. The Code section specifies what  
15 constitutes a prevailing party, limitations on the costs that  
16 may be recovered, allows for an action to recover the costs not  
17 later than three years from the date on which the dismissal or  
18 judgment becomes final on the conclusion of appellate review or  
19 from the time for seeking appellate review expires. The Code  
20 section provides the forum in which action may be brought and  
21 prohibits any contractual choice-of-forum provision.

22 New Code section 146F.20 relates to immunity from suit and  
23 limits on state court jurisdiction. The state, its political  
24 subdivisions, an officer and employee of the state or a political  
25 subdivision shall have sovereign immunity, governmental immunity,  
26 and official immunity as described in the bill.

27 Under new Code section 146F.20, any judicial relief issued by  
28 a court of this state that disregards the immunities conferred  
29 or the jurisdictional limitations specified shall be a legal  
30 nullity due to lack of jurisdiction, and shall not be enforced  
31 or obeyed by any officer or employee of this state or a political  
32 subdivision, judicial or otherwise. Any injunction, declaratory  
33 judgment, or writ issued by a court of this state that purports  
34 to restrain the state, its political subdivisions, an officer  
35 or employee of this state or a political subdivision, or any

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

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

28 New Code section 146F.21 relates to the application of the  
29 Code chapter to pregnant women by providing that the Code chapter  
30 shall not be construed to subject a pregnant woman or formerly  
31 pregnant woman on whom an elective abortion was performed or  
32 attempted to be performed to any civil or criminal action or any  
33 type of criminal or civil penalty or liability under the new Code  
34 chapter.

35 The bill provides severability provisions.

1 The bill takes effect upon enactment.

unofficial