

House File 775 - Introduced

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BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO HSB 186)

A BILL FOR

- 1 An Act relating to medication abortions including required
- 2 informed consent and the dispensing of abortion-inducing drugs
- 3 to patients within the state.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **146F.1 Definitions.**

2 As used in this section, unless the context otherwise
3 requires:

4 1. "Abortion" means the termination of a human pregnancy with
5 the intent other than to produce a live birth or to remove a dead
6 fetus.

7 2. "Abortion-inducing drug" means a drug, medicine, mixture,
8 or preparation, when prescribed or administered with the intent
9 to terminate the pregnancy of a woman known to be pregnant.
10 "Abortion-inducing drug" includes mifepristone and misoprostol.

11 3. "Department" means the department of health and human
12 services.

13 4. "Dispense" means relative to an abortion-inducing drug, to
14 deliver the abortion-inducing drug to the ultimate user.

15 5. "Health care setting" means a clinic, medical office, or
16 hospital.

17 6. "Medical emergency" means the same as defined in section
18 146B.1.

19 7. "Medication abortion" means an abortion performed by the
20 administration or use of an abortion-inducing drug.

21 8. "Organized outpatient health facility" means the same as
22 defined in section 10A.711.

23 Sec. 2. NEW SECTION. **146F.2 Facility where medication**
24 **abortions performed — posting of signs.**

25 1. A private office, freestanding organized outpatient health
26 facility, hospital, or other facility in which medication
27 abortions are performed shall conspicuously post a sign in a
28 location specified in this section, clearly visible to patients,
29 which reads as follows:

30 — Recent developing research has indicated that a medication
31 abortion utilizing an abortion-inducing drug is not always
32 effective in ending a pregnancy. It may be possible to avoid,
33 cease, or even to reverse the intended effects of a medication
34 abortion that utilizes an abortion-inducing drug. Please consult
35 with a health care professional immediately.

1 2. The sign required pursuant to subsection 1 shall be
2 printed with lettering that is legible and shall be at least
3 three-quarters of an inch in boldface type.

4 3. A facility in which medication abortions are performed
5 that is a private office or a freestanding organized outpatient
6 health facility shall post the required sign in each patient
7 waiting room and patient consultation room used by patients on
8 whom medication abortions are performed. A hospital or any other
9 facility in which medication abortions are performed that is
10 not a private office or freestanding organized outpatient health
11 facility shall post the required sign in each patient admission
12 area used by patients on whom medication abortions are performed.

13 Sec. 3. NEW SECTION. **146F.3 Medication abortion — informed**
14 **consent.**

15 1. Except in the case of a medical emergency, in addition to
16 compliance with the prerequisites of chapter 146A, a physician
17 shall not perform or attempt to perform a medication abortion
18 unless the physician who will perform the medication abortion,
19 the referring physician, or an agent of either physician obtains
20 written certification from the pregnant woman that the woman has
21 been informed, by telephone or in person, prior to the medication
22 abortion of all of the following:

23 a. All of the risks commonly associated with a medication
24 abortion.

25 b. That it may be possible to reverse the intended effects of
26 a medication abortion if the woman changes her mind but that time
27 is of the essence.

28 c. That information on and assistance with reversing the
29 effects of a medication abortion is available on the department's
30 internet site.

31 2. Following the dispensing of an abortion-inducing drug, the
32 attending physician or an agent of the attending physician shall
33 provide written medical discharge instructions to the woman which
34 must include the following statement:

35 Recent developing research has indicated that a medication

1 abortion utilizing an abortion-inducing drug is not always
2 effective in ending a pregnancy. It may be possible to avoid,
3 cease, or even to reverse the intended effects of a medication
4 abortion that utilizes an abortion-inducing drug. Please consult
5 with a health care professional immediately.

6 3. The attending physician or an agent of the attending
7 physician shall maintain documentation verifying compliance with
8 this section in the woman's medical record.

9 Sec. 4. NEW SECTION. **146F.4 Informational materials.**

10 The department shall publish and shall make available on the
11 department's internet site, materials designed to inform a woman
12 of the possibility of reversing the effects of a medication
13 abortion if the woman changes her mind, and information on and
14 assistance with resources that may be available to help reverse
15 the effects of a medication abortion.

16 Sec. 5. NEW SECTION. **146F.5 Dispensing of mifepristone.**

17 A person shall not dispense mifepristone to a patient in this
18 state for use by such patient in inducing a medication abortion
19 unless the mifepristone is dispensed directly to such patient in
20 a health care setting.

21 Sec. 6. NEW SECTION. **146F.6 Licensee discipline —**
22 **penalty.**

23 Failure of a physician to comply with this chapter is grounds
24 for licensee discipline under chapter 148.

25 Sec. 7. NEW SECTION. **146F.7 Construction.**

26 This chapter shall not be construed to create or recognize a
27 right to an abortion or to impose civil or criminal liability on
28 a woman upon whom an abortion is performed.

29 **EXPLANATION**

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

32 This bill relates to medication abortions.

33 The bill requires a private office, freestanding organized
34 outpatient health facility, hospital, or other facility in
35 which medication abortions are performed to conspicuously post

1 a sign in a location as described in the bill relating to
2 the effectiveness and possibility of avoiding, ceasing, or even
3 reversing the effects of a medication abortion.

4 The bill requires that, except in the case of a medical
5 emergency, in addition to compliance with the abortion
6 prerequisites of Code chapter 146A, a physician shall not
7 perform or attempt to perform a medication abortion unless the
8 physician who will perform the medication abortion, the referring
9 physician, or an agent of either physician obtains written
10 certification from the pregnant woman. The written certification
11 shall provide that the woman has been informed, by telephone or
12 in person, prior to the medication abortion, of all of the risks
13 commonly associated with a medication abortion, that it may be
14 possible to reverse the intended effects of a medication abortion
15 if the woman changes her mind but that time is of the essence,
16 and that information on and assistance with reversing the effects
17 of a medication abortion is available on the department of
18 health and human services (HHS) internet site. Following the
19 dispensing of an abortion-inducing drug, the attending physician
20 or an agent of the attending physician shall provide written
21 medical discharge instructions to the woman which must include
22 the statement specified in the bill.

23 The bill requires HHS to publish and to make available on
24 HHS's internet site, materials designed to inform a woman of the
25 possibility of reversing the effects of a medication abortion if
26 the woman changes her mind, and information on and assistance
27 with the resources that may be available to help reverse the
28 effects of a medication abortion.

29 The bill also prohibits a person from dispensing mifepristone
30 to a patient in this state for use by such patient in inducing a
31 medication abortion unless the mifepristone is dispensed directly
32 to such patient in a health care setting.

33 Failure of a physician to comply with the bill is grounds for
34 licensee discipline.

35 The bill also provides that the bill shall not be construed to

1 create or recognize a right to an abortion or to impose civil or
2 criminal liability on a woman upon whom an abortion is performed.

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