

Senate File 471 - Reprinted

SENATE FILE 471
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 53)

(As Amended and Passed by the Senate March 14, 2017)

A BILL FOR

1 An Act relating to feticide, making penalties applicable, and
2 including effective date provisions.

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

1 Section 1. Section 707.7, Code 2017, is amended to read as
2 follows:

3 **707.7 Feticide.**

4 1. Any person who intentionally terminates a human
5 pregnancy, with the knowledge and voluntary consent of the
6 pregnant person, after the ~~end of the second trimester of the~~
7 pregnancy reaches twenty weeks postfertilization or the fetus
8 achieves viability, whichever occurs earlier, where death of
9 the fetus results, commits feticide. Feticide is a class "C"
10 felony.

11 2. Any person who attempts to intentionally terminate a
12 human pregnancy, with the knowledge and voluntary consent of
13 the pregnant person, after the ~~end of the second trimester~~
14 ~~of the pregnancy~~ reaches twenty weeks postfertilization or
15 the fetus achieves viability, whichever occurs earlier, where
16 death of the fetus does not result, commits attempted feticide.
17 Attempted feticide is a class "D" felony.

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

23 4. a. This section shall not apply to the termination of
24 a human pregnancy performed by a physician licensed in this
25 state to practice medicine or surgery or osteopathic medicine
26 or surgery when in the best clinical judgment of the physician
27 the termination is performed to preserve the life ~~or health~~ of
28 the pregnant person or of the fetus or to avert a serious risk
29 to the pregnant person of substantial and irreversible physical
30 impairment of a major bodily function, and every reasonable
31 medical effort not inconsistent with preserving the life of the
32 pregnant person is made to preserve the life of a viable fetus.

33 b. This section shall not apply to the termination of
34 a human pregnancy between twenty and twenty-four weeks
35 postfertilization performed by a physician licensed in this

1 state to practice medicine or surgery or osteopathic medicine
2 or surgery, when in the best clinical judgment of the physician
3 the human pregnancy has a fetal anomaly incompatible with
4 life. For the purposes of this paragraph "b", "fetal anomaly
5 incompatible with life" means a fetal condition diagnosed in
6 utero that, if the pregnancy results in a live birth, will with
7 reasonable certainty result in the death of the child or will
8 result in requiring the provision of life-sustaining procedures
9 as defined in section 144A.2 to the child after the child's
10 birth and for the duration of the child's life.

11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
12 immediate importance, takes effect upon enactment.