

c. To protect confidentiality, the department shall limit release of information to release in an aggregate form which prevents identification of any individual patient, health care provider, hospital, clinic, or other health facility. For the purposes of this paragraph, "aggregate form" means a compilation of the information received by the department on termination of pregnancies for each information item listed, with the exceptions of the report tracking number, the health care provider code, and any set of information for which the amount is so small that the confidentiality of any person to whom the information relates may be compromised. The department shall establish a methodology to provide a statistically verifiable basis for any determination of the correct amount at which information may be released so that the confidentiality of any person is not compromised.

3. Except as specified in subsection 2, reports, information, and records submitted and maintained pursuant to this section are strictly confidential and shall not be released or made public upon subpoena, search warrant, discovery proceedings, or by any other means.

4. The department shall assign a code to any health care provider who may be required to report a termination under this section. An application procedure shall not be required for assignment of a code to a health care provider.

5. A health care provider shall assign a report tracking number which enables the health care provider to access the patient's medical information without identifying the patient.

6. To ensure proper performance of the reporting requirements under this section, it is preferred that a health care provider who practices within a hospital, clinic, or other health facility authorize one staff person to fulfill the reporting requirements.

7. For the purposes of this section, "health care provider" means an individual licensed under chapter 148, 148C, 148D, 150, 150A, or 152, or any individual who provides medical services under the authorization of the licensee.

8. For the purposes of this section, "inducing a termination of pregnancy" means the use of any means to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus.

9. For the purposes of this section, "spontaneous termination of pregnancy" means the occurrence of an unintended termination of pregnancy at any time during the period from conception to twenty weeks gestation and which is not a spontaneous termination of pregnancy at any time during the period from twenty weeks or greater which is reported to the department as a fetal death under this chapter.

Sec. 2. Section 144.52, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 7. Knowingly violates a provision of section 144.29A.

Approved May 21, 1997

CHAPTER 173

NOTIFICATION REQUIREMENTS REGARDING PREGNANT MINORS

H.F. 121

AN ACT relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and applicable penalties and providing for a repeal.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135L.1, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 2. Section 135L.2, subsections 3 and 6, Code 1997, are amended to read as follows:

3. During the initial appointment between a licensed physician from whom a pregnant minor is seeking the performance of an abortion and a pregnant minor, ~~a the licensed physician, who is providing medical services to a pregnant minor,~~ shall offer the viewing of the video and the written decision-making materials to the pregnant minor, and shall obtain the signed and dated certification form from the pregnant minor. ~~If the pregnant minor has previously been offered the viewing of the video and the written decision-making materials by another source, the licensed physician shall obtain the completed certification form from the other source to verify that the pregnant minor has been offered the viewing of the video and the written decision-making materials.~~ A licensed physician shall not perform an abortion on a pregnant minor prior to obtaining the completed certification form from a pregnant minor.

6. Following the offering of the viewing of the video and of the written decision-making materials, the pregnant minor shall sign and date the certification form attached to the materials, and shall submit the completed form to the licensed physician ~~or provide the person making the offer with information to send the completed form to the pregnant minor's attending physician.~~ The person offering the viewing of the video and the decision-making materials licensed physician shall also provide a copy of the completed certification form to the pregnant minor.

Sec. 3. Section 135L.3, subsections 1 and 2, Code 1997, are amended to read as follows:

1. A ~~person~~ licensed physician shall not perform an abortion on a pregnant minor until at least forty-eight hours' prior notification is provided to a parent of the pregnant minor.

2. The ~~person~~ licensed physician who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail ~~to the a~~ parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

Sec. 4. Section 135L.3, subsection 3, paragraph c, Code 1997, is amended to read as follows:

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and ~~notwithstanding section 232.147 or any other provision to the contrary,~~ all court documents pertaining to the proceedings shall remain confidential and shall be sealed. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor, by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

Sec. 5. Section 135L.3, subsection 3, paragraph 1, Code 1997, is amended to read as follows:

1. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner. The rules shall require that the hearing on the petition shall be held and the court shall rule on the petition within forty-eight hours of the filing of the petition. If the court fails to hold the hearing and rule on the petition within forty-eight hours of the filing of the petition and an extension is not requested, the petition is deemed granted and waiver of the notification requirements is deemed authorized. The court shall immediately provide documentation to the pregnant minor and to the pregnant minor's legal counsel if the pregnant minor is represented by legal counsel, demonstrating that the petition is deemed granted and that waiver of the notification requirements is deemed authorized. Resolution of a petition for authorization of waiver of the notification requirement shall be completed within ten calendar days as calculated from the day after the filing of the petition to the day of issuance of any final decision on appeal.

Sec. 6. Section 135L.3, subsection 3, paragraph m, subparagraph (2), Code 1997, is amended to read as follows:

(2) (a) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent ~~or an aunt or uncle~~ of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent ~~or an aunt or uncle~~ of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent ~~or the aunt or uncle~~ of the pregnant minor that the grandparent ~~or aunt or uncle~~ of the pregnant minor may be subject to civil action if the grandparent ~~or aunt or uncle~~ accepts notification.

(ii) A provision that the grandparent ~~or aunt or uncle~~ of the pregnant minor may refuse acceptance of notification.

Sec. 7. Section 135L.3, subsection 3, paragraph m, subparagraph (3), Code 1997, is amended to read as follows:

(3) The pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion ~~in accordance with section 135L.5, and places the written certification in the medical file of the pregnant minor.~~

Sec. 8. Section 135L.3, subsection 3, paragraph m, subparagraph (4), Code 1997, is amended to read as follows:

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 and shall not release any information in response to a request for public records, discovery procedures, subpoena, or any other means, unless the release of information is expressly authorized by the pregnant minor regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained. A person who knowingly violates the confidentiality provisions of this subparagraph is guilty of a serious misdemeanor.

Sec. 9. Section 135L.3, subsection 3, paragraph n, Code 1997, is amended to read as follows:

n. A person licensed physician who knowingly performs an abortion in violation of this section is guilty of a serious misdemeanor.

Sec. 10. Section 135L.3, subsection 3, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. All records and files of a court proceeding maintained under this section shall be destroyed by the clerk of court when one year has elapsed from any of the following, as applicable:

(1) The date that the court issues an order waiving the notification requirements.

(2) The date after which the court denies the petition for waiver of notification and the decision is not appealed.

(3) The date after which the court denies the petition for waiver of notification, the decision is appealed, and all appeals are exhausted.

Sec. 11. Section 135L.3, subsection 3, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. A person who knowingly violates the confidentiality requirements of this section relating to court proceedings and documents is guilty of a serious misdemeanor.

Sec. 12. Section 135L.6, Code 1997, is amended to read as follows:

135L.6 FRAUDULENT PRACTICE.

A person who does any of the following is guilty of a fraudulent practice in the fourth degree pursuant to section 714.12:

1. Knowingly tenders a false original or copy of the signed and dated certification form described in section 135L.2, to be retained by the licensed physician ~~or to be sent to the pregnant minor's attending physician.~~

2. Knowingly tenders a false original or copy of the notification document mailed to a parent, ~~or grandparent, or aunt or uncle~~ of the pregnant minor under this chapter, ~~a false original or copy of the written certification to be provided to a parent of a pregnant minor pursuant to section 135L.5,~~ or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor.

Sec. 13. Section 135L.7, Code 1997, is amended to read as follows:

135L.7 IMMUNITIES.

1. With the exception of the civil liability which may apply to a grandparent ~~or aunt or uncle~~ of a pregnant minor who accepts notification under this chapter, a person is immune from any liability, civil or criminal, for any act, omission, or decision made in connection with a good faith effort to comply with the provisions of this chapter.

2. This section shall not be construed to limit civil ~~or criminal~~ liability of a person for any act, omission, or decision made in relation to the performance of a medical procedure on a pregnant minor.

Sec. 14. Section 135L.8, Code 1997, is amended to read as follows:

135L.8 ADOPTION OF RULES — IMPLEMENTATION AND DOCUMENTS.

The Iowa department of public health shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent, or grandparent, ~~or aunt or uncle~~ of a pregnant minor who is designated to receive notification under this chapter.

Sec. 15. Section 600A.6, subsection 7, Code 1997, is amended by striking the subsection.

Sec. 16. Section 602.8102, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 31. Destroy all records and files of a court proceeding maintained under section 135L.3 in accordance with section 135L.3, subsection 3, paragraph "o".

Sec. 17. Section 135L.5, Code 1997, is repealed.

Approved May 21, 1997