

**Senate File 44 - Introduced**

SENATE FILE 44  
BY ANDERSON

**A BILL FOR**

1 An Act prohibiting gender-selection abortions, and providing  
2 penalties.

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

1 Section 1. NEW SECTION. 146A.1 Gender-selection abortions  
2 — prohibited — criminal penalties — certification — civil and  
3 injunctive relief.

4 1. A person who knowingly does any of the following commits  
5 a class "C" felony:

6 a. Performs an abortion which is sought based upon the  
7 gender of the fetus.

8 b. Uses force or the threat of force for the purpose of  
9 coercing a woman into an abortion based on gender of the fetus.

10 c. Solicits or accepts money to perform an abortion based  
11 upon the gender of the fetus.

12 2. A criminal penalty shall not be imposed under this  
13 section on a woman upon whom an abortion is performed.

14 3. A physician shall not perform an abortion on a woman  
15 unless the physician first certifies in writing that the  
16 physician is not performing the abortion based on the gender  
17 of the fetus and has no knowledge that the woman seeking the  
18 abortion is seeking the abortion based upon the gender of the  
19 fetus. A copy of the written certification shall be maintained  
20 in the woman's medical record.

21 4. A woman upon whom a gender-selection abortion is  
22 performed in violation of this section, or the spouse of  
23 the woman at the time that the gender-selection abortion is  
24 performed on the woman in violation of this section, may  
25 maintain a civil action against the physician who performed  
26 the abortion in violation of this section for actual damages.  
27 If the plaintiff prevails in an action brought under this  
28 subsection, the plaintiff shall be entitled to an award for  
29 reasonable attorney fees. If the defendant prevails in an  
30 action brought under this section and the court finds that the  
31 plaintiff's suit was frivolous and brought in bad faith, the  
32 defendant shall be entitled to an award for reasonable attorney  
33 fees.

34 5. A cause of action for injunctive relief to prevent  
35 a physician from performing abortions may be maintained by

1 the county attorney with appropriate jurisdiction or by the  
2 attorney general against a physician who has violated this  
3 section.

4 EXPLANATION

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

7 This bill relates to abortions performed based on gender  
8 selection.

9 The bill provides that a physician commits a class "C"  
10 felony if the physician performs an abortion which is sought  
11 based upon the gender of the fetus, uses force or the threat  
12 of force for the purpose of coercing a woman into an abortion  
13 based on the gender of the fetus, or solicits or accepts money  
14 to perform an abortion based upon the gender of the fetus. The  
15 bill provides, however, that a criminal penalty shall not be  
16 imposed on a woman upon whom an abortion is performed.

17 The bill also requires that prior to performing an abortion,  
18 a physician shall first certify in writing that the physician  
19 is not performing the abortion based on the gender of the fetus  
20 and has no knowledge that the woman seeking the abortion is  
21 seeking the abortion based upon the gender of the fetus. A  
22 copy of the written certification is required to be maintained  
23 in the woman's medical record.

24 The bill provides that a woman upon whom a gender-selection  
25 abortion is performed in violation of the bill, or the spouse  
26 of the woman, may maintain a civil action against the physician  
27 who performed the abortion in violation of the bill for actual  
28 damages, and provides for awarding of reasonable attorney fees.

29 The bill also provides that the county attorney with  
30 jurisdiction, or the attorney general, may maintain a cause  
31 of action for injunctive relief to prevent a physician from  
32 performing abortions if the physician has violated a provision  
33 of the bill.