

CHAPTER 146A

ABORTION PREREQUISITES

Referred to in §146B.2, 146C.2

146A.1 Prerequisites for abortion — licensee discipline.

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1. A physician performing an abortion shall obtain written certification from the pregnant woman of all of the following at least twenty-four hours prior to performing an abortion:

a. That the woman has undergone an ultrasound imaging of the unborn child that displays the approximate age of the unborn child.

b. That the woman was given the opportunity to see the unborn child by viewing the ultrasound image of the unborn child.

c. That the woman was given the option of hearing a description of the unborn child based on the ultrasound image and hearing the heartbeat of the unborn child.

d. (1) That the woman has been provided information regarding all of the following, based upon the materials developed by the department of public health pursuant to subparagraph (2):

(a) The options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

(b) The indicators, contra-indicators, and risk factors including any physical, psychological, or situational factors related to the abortion in light of the woman's medical history and medical condition.

(2) The department of public health shall make available to physicians, upon request, all of the following information:

(a) Geographically indexed materials designed to inform the woman about public and private agencies and services available to assist a woman through pregnancy, at the time of childbirth, and while the child is dependent. The materials shall include a comprehensive list of the agencies available, categorized by the type of services offered, and a description of the manner by which the agency may be contacted.

(b) Materials that encourage consideration of placement for adoption. The materials shall inform the woman of the benefits of adoption, including the requirements of confidentiality in the adoption process, the importance of adoption to individuals and society, and the state's interest in promoting adoption by preferring adoption over abortion.

(c) Materials that contain objective information describing the methods of abortion procedures commonly used, the medical risks commonly associated with each such procedure, and the possible detrimental physical and psychological effects of abortion.

2. Compliance with the prerequisites of [this section](#) shall not apply to an abortion performed in a medical emergency.

3. A physician who violates [this section](#) is subject to licensee discipline pursuant to [section 148.6](#).

4. [This section](#) shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed, or to prohibit the sale, use, prescription, or administration of a measure, drug, or chemical designed for the purposes of contraception.

5. The board of medicine shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).

6. As used in [this section](#):

a. "Medical emergency" means a situation in which an abortion is performed to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, but not including psychological conditions, emotional conditions, familial conditions, or the woman's age; or when continuation of the pregnancy will create

a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.

b. “*Unborn child*” means an individual organism of the species homo sapiens from fertilization to live birth.

2015 Acts, ch 137, §75, 162, 163; 2017 Acts, ch 108, §1, 7; 2018 Acts, ch 1132, §2; 2020 Acts, ch 1110, §2

Referred to in §146C.1

Legislative intent; 2017 Acts, ch 108, §5

Subsection 1, unnumbered paragraph 1 amended