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HUMAN RESOURCES

HOUSE FILE 341

BY BODDICKER, MERTZ, HOVERSTEN, DE BOEF,
JOHNSON, TYRRELL, BOAL, MANTERNACH,
REKOW, BAUDLER, ALONS, RAYHONS, HEATON,
DIX, O'BRIEN, BROERS, ROBERTS, DOLECHECK,
KLEMME, GIPP, BRAUNS, BARRY, CORMACK,
SUKUP, BRUNKHORST, RANTS, SHEY, SIEVERS,
QUIRK, EICHHORN, CARROLL, RAECKER, FINCH,
TEIG, HOFFMAN, MILLAGE, LARSON, GARMAN,
VAN FOSSEN, CHIDO, EDDIE, VAN ENGELENHOVEN,
TREMMELE, SENG, DRAKE, HORBACH, and
OSTERHAUS

Passed House, ^(P. 621) Date 3-6-01 Passed Senate, ^(P. 1125) Date 4-16-01
Vote: Ayes 67 Nays 31 Vote: Ayes 33 Nays 16
~~Approved~~ April 26, 2001

A BILL FOR

1 An Act relating to informed consent to an abortion and providing
2 a criminal penalty, and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 341

1 Section 1. NEW SECTION. 146A.1 TITLE.

2 This chapter shall be known and may be cited as the
3 "Woman's Right to Know Act".

4 Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "Abortion" means abortion as defined in section 146.1.

8 2. "Attempt to perform an unlawful abortion" means an act,
9 or an omission of an act required by law, that constitutes a
10 substantial step in a course of conduct intended to culminate
11 in the performance of an abortion in violation of this
12 chapter.

13 3. "Department" means the Iowa department of public
14 health.

15 4. "Medical emergency" means any condition which, on the
16 basis of a physician's good faith clinical judgment, so
17 complicates the medical condition of a pregnant woman as to
18 necessitate the immediate performance of an abortion to avert
19 the pregnant woman's death, or to necessitate the immediate
20 performance of an abortion to avert a serious risk of
21 substantial and irreversible impairment of a major bodily
22 function if the performance of the abortion is delayed.

23 5. "Physician" means a person licensed to practice
24 medicine and surgery pursuant to chapter 148 or osteopathic
25 medicine and surgery pursuant to chapter 150A.

26 Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND INFORMED
27 CONSENT.

28 1. An abortion shall not be performed in this state
29 without the voluntary and informed consent of the woman upon
30 whom the abortion is to be performed. Except in the case of a
31 medical emergency, consent to an abortion is voluntary and
32 informed only if the requirements of this section are met.

33 2. The referring physician, the physician who will perform
34 the abortion, or an agent of either physician shall provide
35 all of the following information to the woman by telephone, by

1 audiotape, or in person, at least twenty-four hours before the
2 abortion:

3 a. Information that medical assistance benefits may be
4 available to the woman for prenatal care, childbirth, and
5 neonatal care.

6 b. Information that the putative father is liable to
7 assist in the support of the child and that efforts to collect
8 support may result in, but are not guaranteed to result in,
9 financial support of the child, even if the putative father
10 has offered to pay for the abortion.

11 c. Information that the woman has the right to review the
12 printed materials described in subsection 3.

13 3. After being informed of the woman's right to review
14 printed materials pursuant to subsection 2, if the woman
15 wishes to review the materials, the materials shall be
16 provided to the woman at least twenty-four hours before the
17 abortion is performed or shall be mailed to the woman by
18 regular mail or by restricted certified mail, as defined in
19 section 618.15, as requested by the woman. The physician or
20 the physician's agent shall orally inform the woman that the
21 materials have been provided by the state and that they
22 describe the unborn child and list agencies that offer
23 alternatives to abortion. The printed materials shall include
24 all of the following:

25 a. Geographically indexed materials designed to inform the
26 woman of public and private agencies and services available to
27 assist a woman through pregnancy, at the time of childbirth,
28 and while the child is dependent, including adoption agencies.
29 The materials shall include a comprehensive list of the
30 agencies available, categorized by the type of services
31 offered, and a description of the manner, including telephone
32 numbers, in which the agencies may be contacted. The
33 department may also provide a toll-free, twenty-four-hour-a-
34 day telephone number which may be called to obtain, orally, a
35 list and description of agencies in the locality of the caller

1 and of the services offered.

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

8 c. Materials designed to inform the woman of the probable
9 anatomical and physiological characteristics of the unborn
10 child at two-week gestational increments from the time that it
11 is medically possible to make a determination of pregnancy to
12 full term. The materials shall include any relevant
13 information regarding the possibility of the survival of the
14 unborn child and pictures or drawings representing the
15 development of the unborn child at two-week gestational
16 increments, provided that any pictures or drawings shall
17 contain the dimensions of the unborn child and shall be
18 realistic and appropriate for the state of pregnancy depicted.
19 The materials shall be objective, nonjudgmental, and designed
20 to convey only accurate scientific information about the
21 unborn child at various gestational stages. The materials
22 shall also contain objective information describing the
23 methods of abortion procedures commonly used, the medical
24 risks commonly associated with each such procedure, the
25 possible detrimental psychological effects of abortion, and
26 the medical risks commonly associated with carrying an unborn
27 child to term.

28 4. The referring physician, the physician who is to
29 perform the abortion, or the agent of either physician, who
30 provides the information and printed materials pursuant to
31 subsections 2 and 3, shall obtain written certification from
32 the woman that the information required pursuant to subsection
33 2 was provided. The referring physician, the physician who is
34 to perform the abortion, or the agent of either physician, who
35 obtains the written certification under this subsection shall

1 retain a copy of the certification and shall provide a copy of
2 the certification to the woman. A physician shall not perform
3 an abortion on a woman prior to obtaining the completed
4 certification form from the woman.

5 5. On or before October 1, 2001, the department shall
6 cause the information referred to in subsection 2 to be
7 published in printed format. The information shall be
8 provided in an easily comprehensible manner. The information
9 shall be published in a typeface large enough to be clearly
10 legible. The printed information shall be available from the
11 department at no cost, upon request, and in an appropriate
12 number, to any person.

13 Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF MEDICAL
14 EMERGENCY.

15 If a medical emergency necessitates the performance of an
16 abortion, the physician shall inform the woman, prior to the
17 performance of the abortion, if possible, of the medical
18 indications supporting the physician's judgment that the
19 immediate performance of an abortion is necessary to avert the
20 woman's death or that a twenty-four-hour delay in the
21 performance of an abortion will create a serious risk of
22 substantial and irreversible impairment of a major bodily
23 function.

24 Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

25 1. A person who knowingly or recklessly performs or
26 attempts to perform an abortion in violation of this chapter
27 is guilty of a simple misdemeanor.

28 2. A criminal penalty shall not be assessed under this
29 chapter against a woman upon whom an abortion is performed or
30 attempted to be performed. A criminal penalty shall not be
31 assessed for failure of a woman to comply with the requirement
32 of written certification pursuant to section 146A.3, if the
33 department has not made the information available at the time
34 the physician or the physician's agent is required to inform
35 the woman of the woman's right to review the information.

1 medical emergency.

2 Code section 146A.5 provides criminal penalties. The bill
3 establishes a criminal penalty of a simple misdemeanor for a
4 person who knowingly or recklessly performs or attempts to
5 perform an abortion in violation of the chapter. The bill
6 prohibits the assessment of a criminal penalty against a woman
7 upon whom an abortion is performed or attempted to be
8 performed. The bill also prohibits the assessment of a
9 criminal penalty against a woman for failure to comply with
10 certification requirements if the department has not made the
11 printed materials available as required.

12 Code section 146A.6 provides for protection of privacy of
13 court proceedings relating to an action under the chapter.

14 The bill takes effect October 1, 2001.

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HOUSE FILE 341**H-1175**

1 Amend House File 341 as follows:
2 1. Page 1, line 34, by striking the word "shall"
3 and inserting the following: "may".
4 2. Page 3, line 32, by striking the word
5 "required" and inserting the following: "was
6 provided".
7 3. Page 3, line 33, by striking the words "was
8 provided" and inserting the following: "upon the
9 woman's request".
10 4. Page 4, by striking lines 2 through 4, and
11 inserting the following: "the certification to the
12 woman."
13 5. Page 4, line 34, by striking the word
14 "required" and inserting the following: "requested by
15 the woman".

By WINCKLER of Scott**H-1175** FILED MARCH 5, 2001*Lost 3/6/01
(p. 614)***HOUSE FILE 341****H-1176**

1 Amend House File 341 as follows:
2 1. Page 1, line 31, by inserting after the word
3 "emergency," the following: "sexual assault, incest,
4 or fetal deformity,".

By LENSING of Johnson**H-1176** FILED MARCH 5, 2001*Lost 3/6/01
(p. 613)***HOUSE FILE 341****H-1177**

1 Amend House File 341 as follows:
2 1. Page 5, line 16, by inserting after the word
3 "DATE" the following: "-- CONTINGENCY".
4 2. Page 5, line 17, by inserting after the figure
5 "2001" the following: ", only if the general assembly
6 appropriates funding specifically for the purpose of
7 providing the written information and acquiring the
8 data required under this Act".

By MASCHER of Johnson**H-1177** FILED MARCH 5, 2001*Lost
3/6/01
(p. 621)*

HOUSE FILE 341

H-1178

- 1 Amend House File 341 as follows:
- 2 1. Page 1, by striking line 3, and inserting the
- 3 following: ""State Mandated Information and Waiting
- 4 Period for Abortion Act".
- 5 2. Title page, line 1, by striking the words
- 6 "informed consent to" and inserting the following:
- 7 "state mandated information and a waiting period for".

By MASCHER of Johnson

H-1178 FILED MARCH 5, 2001

lost
3/6/01 (p.613)

HOUSE FILE 341

H-1180

- 1 Amend House File 341 as follows:
- 2 1. Title page, by striking lines 1 and 2, and
- 3 inserting the following: "An Act relating to state
- 4 mandated information and a waiting period relating to
- 5 an abortion, providing criminal penalties, and
- 6 providing an effective date."

By PETERSEN of Polk

H-1180 FILED MARCH 5, 2001

w/d
3/6/01 (p.621)

HOUSE FILE 341

H-1181

- 1 Amend House File 341 as follows:
- 2 1. Page 2, by inserting after line 10, the
- 3 following:
- 4 "___ Information that medical assistance benefits
- 5 may be available to the woman for an abortion under
- 6 certain circumstances."
- 7 2. By renumbering, redesignating, and correcting
- 8 internal references as necessary.

By METCALF of Polk

H-1181 FILED MARCH 5, 2001

Adopted
3-6-01
(p.615)

HOUSE FILE 341

H-1182

- 1 Amend House File 341 as follows:
- 2 1. By striking page 4, line 24 through page 5,
- 3 line 15, and inserting the following:
- 4 "Sec. ___. NEW SECTION. 146A.5 REVIEW BY MEDICAL
- 5 EXAMINERS -- CONFIDENTIALITY.
- 6 1. A licensed physician subject to the authority
- 7 of the state board of medical examiners who is accused
- 8 of a violation of this chapter is subject to a hearing
- 9 before the board. Any proceeding before the board
- 10 shall be conducted in a manner which protects the
- 11 confidentiality of the woman and all documents
- 12 pertaining to the proceedings shall remain
- 13 confidential and shall be sealed.

14 2. The state board of medical examiners may revoke
15 the license of a physician who is found in violation
16 of this chapter."

17 2. Title page, lines 1 and 2, by striking the
18 words "and providing a criminal penalty".

19 3. By renumbering as necessary.

By WISE of Lee

H-1182 FILED MARCH 5, 2001

~~PROJECT~~ *Host 3/6/01 (p. 619)*
HOUSE CLIP SHEET

MARCH 6, 2001

Page 14

HOUSE FILE 341

H-1183

1 Amend House File 341 as follows:

2 1. Page 2, line 6, by striking the word
3 "putative".

4 2. Page 2, line 9, by striking the word
5 "putative".

By FOEGE of Linn

H-1183 FILED MARCH 5, 2001

Host 3/6/01 (p. 615)

HOUSE FILE 341

H-1184

1 Amend House File 341 as follows:

2 1. Page 3, line 8, by striking the word
3 "probable".

4 2. Page 3, line 12, by inserting after the word
5 "term" the following: "as accepted and published by
6 the American college of obstetricians and
7 gynecologists".

By SMITH of Marshall

H-1184 FILED MARCH 5, 2001

Host 3-6-01 (p. 617)

HOUSE FILE 341

H-1185

1 Amend House File 341 as follows:

2 1. Page 3, lines 24 and 25, by striking the
3 words: "the possible detrimental psychological
4 effects of abortion,".

By SMITH of Marshall

H-1185 FILED MARCH 5, 2001

Host 3/6/01 (p. 618)

HOUSE FILE 341

H-1186

1 Amend House File 341 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 146A.1 INFORMED CONSENT
5 -- MEDICAL PROCEDURES.

6 1. Written consent shall be obtained prior to the
7 performance of any medical or surgical procedure or
8 course of procedures related to patient care.

9 2. Written consent obtained in accordance with all
10 of the following creates a presumption that informed
11 consent has been obtained:

12 a. Information has been provided in general terms
13 describing the nature and purpose of the procedure or
14 procedures, together with the known risks, if any, of
15 death, brain damage, quadriplegia, paraplegia, the
16 loss or loss of function of any organ or limb, or
17 disfiguring scars associated with the procedure or
18 procedures, with the probability of each such risk, if
19 reasonably determinable.

20 b. The written consent acknowledges that the
21 information outlined in paragraph "a" has been
22 provided and that all questions asked by the patient
23 regarding the procedure or procedures have been
24 answered satisfactorily.

25 c. The written consent is signed by the patient
26 upon whom the procedure or procedures are to be
27 performed, or by the patient's legal representative."

28 2. Title page, lines 1 and 2, by striking the
29 following: "to an abortion and providing a criminal
30 penalty, and providing an effective date."

Lost 3-6-01 (p.611)

By MASCHER of Johnson

H-1186 FILED MARCH 5, 2001

HOUSE FILE 341

H-1187

1 Amend House File 341 as follows:

2 1. Page 2, line 22, by striking the words "unborn
3 child" and inserting the following: "fetus".

4 2. Page 3, lines 9 and 10, by striking the words
5 "unborn child" and inserting the following: "fetus".

6 3. Page 3, line 14, by striking the words "unborn
7 child" and inserting the following: "fetus".

8 4. Page 3, line 15, by striking the words
9 "unborn child" and inserting the following: "fetus".

10 5. Page 3, line 17, by striking the words "unborn
11 child" and inserting the following: "fetus".

12 6. Page 3, line 21, by striking the words "unborn
13 child" and inserting the following: "fetus".

14 7. Page 3, lines 26 and 27, by striking the words
15 "unborn child" and inserting the following: "fetus".

Lost 3/6/01 (p.617)

By ATTEBERRY of Delaware

GRUNDBERG of Polk

H-1187 FILED MARCH 5, 2001

HOUSE FILE 341**H-1188**

- 1 Amend House File 341 as follows:
- 2 1. Title page, line 1, by striking the words
- 3 "informed consent" and inserting the following:
- 4 "state mandated information and a state mandated
- 5 waiting period relating".

By PETERSEN of Polk**H-1188 FILED MARCH 5, 2001**

w/d
3/6/01 (p.621)

HOUSE FILE 341**H-1189**

- 1 Amend House File 341 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "abortion" the following: "to avert the endangerment
- 4 of the woman's health or".
- 5 2. Page 4, line 19, by inserting after the word
- 6 "necessary" the following: "to avert the endangerment
- 7 of the woman's health or".

By METCALF of Polk**H-1189 FILED MARCH 5, 2001**

lost 3/6/01
(p.613)

HOUSE FILE 341**H-1190**

- 1 Amend House File 341 as follows:
- 2 1. Page 1, line 35, by inserting after the word
- 3 "by telephone," the following: "by electronic mail,".

By METCALF of Polk**H-1190 FILED MARCH 5, 2001**

lost
3/6/01
(p.614)

HOUSE FILE 341**H-1191**

- 1 Amend House File 341 as follows:
- 2 1. Page 4, by inserting after line 12, the
- 3 following:
- 4 "___". The information and materials provided under
- 5 this chapter shall contain the most recent medically
- 6 accepted standards and scientifically accurate
- 7 information published by the American college of
- 8 obstetricians and gynecologists."
- 9 2. By renumbering, redesignating, and correcting
- 10 internal references as necessary.

By ATTEBERRY of Delaware**H-1191 FILED MARCH 5, 2001**

lost
3-6-01
(p.618)

HOUSE FILE 341**H-1192**

- 1 Amend House File 341 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 146A.1 TITLE.
5 This chapter shall be known and may be cited as the
6 "Freedom of Choice Act".
7 Sec. 2. NEW SECTION. 146A.2 FREEDOM OF CHOICE.
8 A woman in this state shall have the right to
9 personal bodily integrity and autonomy and a woman's
10 reproductive rights shall be protected. State and
11 local governments shall not restrict the right of a
12 woman to choose to terminate a pregnancy before fetal
13 viability or at any time if the termination is
14 necessary to protect the life or health of the woman."
15 2. Title page, line 1, by striking the words
16 "informed consent to an abortion and providing" and
17 inserting the following: "freedom of choice regarding
18 a termination of pregnancy."
19 3. Title page, by striking line 2.

By MASCHER of Johnson

H-1192 FILED MARCH 5, 2001

Lost 3/6/01 (p. 611)

HOUSE FILE 341**H-1174**

- 1 Amend House File 341 as follows:
2 1. Page 2, line 11, by striking the word "review"
3 and inserting the following: "be offered".
4 2. Page 2, line 13, by striking the word "review"
5 and inserting the following: "be offered".
6 3. Page 3, line 30, by inserting after the word
7 "and" the following: "offers".

By WINCKLER of Scott

H-1174 FILED MARCH 5, 2001

*Lost
3/6/01
(p. 616)*

HOUSE FILE 341**H-1193**

1 Amend House File 341 as follows:

2 1. Page 5, by inserting after line 15, the
3 following:

4 "Sec. ____ . NEW SECTION. 146B.1 TITLE.

5 This chapter shall be known and may be cited as the
6 "Vasectomy Waiting Period Act".

7 Sec. ____ . NEW SECTION. 146B.2 VASECTOMY --
8 MANDATORY WAITING PERIOD.

9 1. Except in the case of a medical emergency, a
10 vasectomy shall not be performed in this state unless
11 the man upon whom the vasectomy is to be performed
12 consents to the vasectomy at least twenty-four hours
13 prior to the performance of the procedure.

14 2. The referring physician, the physician who will
15 perform the vasectomy, or an agent of either physician
16 shall provide information to the man, by telephone, by
17 audiotape, or in person, at least twenty-four hours
18 before the vasectomy regarding the method, the
19 procedures commonly used, the risks commonly
20 associated with each procedure, the possible
21 detrimental effects of a vasectomy, and the medical
22 risks commonly associated with a vasectomy.

23 3. The referring physician, the physician who will
24 perform the vasectomy, or an agent of either
25 physician, who provides the required information
26 pursuant to subsection 2 to the man upon whom the
27 vasectomy is to be performed, shall obtain and retain
28 written certification from the man that the
29 information was provided."

30 2. Title page, line 1, by striking the word
31 "informed".

32 3. Title page, line 1, by inserting after the
33 word "abortion" the following: "or a vasectomy".

By HATCH of Polk

FOEGE of Linn

H-1193 FILED MARCH 5, 2001

Adopt 3/6/01 (P. 620)

HOUSE FILE 341**H-1194**

1 Amend House File 341 as follows:

2 1. Page 2, by inserting after line 10 the
3 following:

4 " ____ . Information that contraceptives are
5 available to the woman and that medical assistance
6 benefits may be available to the woman for coverage of
7 the costs of contraceptives."

8 2. By renumbering as necessary.

By PETERSEN of Polk

H-1194 FILED MARCH 5, 2001

Adopted 3/6/01 (P. 615)

HOUSE FILE 341

H-1195

1 Amend House File 341 as follows:

2 1. Page 2, by inserting after line 10, the
3 following:4 "___". Information concerning accepted medical
5 procedures for postcoital emergency contraception and
6 medications approved by the United States food and
7 drug administration for use as postcoital emergency
8 contraception."9 2. By renumbering, redesignating, and correcting
10 internal references as necessary.

By ATTEBERRY of Delaware

H-1195 FILED MARCH 5, 2001

lost
3-6-01
(p.616)

HOUSE FILE 341

H-1196

1 Amend House File 341 as follows:

2 1. Page 1, line 34, by striking the word "shall"
3 and inserting the following: "may".4 2. Page 2, line 23, by striking the word "shall"
5 and inserting the following: "may".6 3. Page 3, by striking line 32, and inserting the
7 following: "the woman if the information specified in
8 subsection".9 4. Page 4, line 2, by striking the word "A" and
10 inserting the following: "If a physician provides the
11 information specified in subsection 2 to a woman,
12 the".13 5. Page 4, line 3, by striking the word "a" and
14 inserting the following: "the".

By DOTZLER of Black Hawk

H-1196 FILED MARCH 5, 2001

w/d
3/6/01 (p.614)

HOUSE FILE 341

H-1197

1 Amend House File 341 as follows:

2 1. Page 3, by striking lines 8 through 18.

3 2. By renumbering as necessary.

By MASCHER of Johnson

H-1197 FILED MARCH 5, 2001

lost
3-6-01 (p.617)

HOUSE FILE 341

H-1198

1 Amend House File 341 as follows:

2 1. Page 2, line 34, by striking the word "
3 orally," and inserting the following: "from a live
4 person any relevant information, including but not
5 limited to".

By HATCH of Polk

H-1198 FILED MARCH 5, 2001

adopted
3/6/01 (p.617)

HOUSE FILE 341

H-1200

- 1 Amend House File 341 as follows:
- 2 1. Page 2, line 1, by striking the word "twenty-
- 3 four hours" and inserting the following: "one hour".
- 4 2. Page 2, line 16, by striking the word "twenty-
- 5 four hours" and inserting the following: "one hour".
- 6 3. Page 4, line 20, by striking the word "twenty-
- 7 four-hour" and inserting the following: "one-hour".

By MASCHER of Johnson

H-1200 FILED MARCH 5, 2001

*Lost 3/6/01
(P.614)*

HOUSE FILE 341

H-1201

- 1 Amend House File 341 as follows:
- 2 1. Page 3, line 4, by inserting after the word
- 3 "including" the following: "provisions regarding the
- 4 surrendering of a newborn infant,".

By BODDICKER of Cedar

H-1201 FILED MARCH 6, 2001

*o/o 3/6/01
(P.622)*

HOUSE FILE 341

H-1204

- 1 Amend House File 341 as follows:
- 2 1. By striking page 1, line 3, through page 5,
- 3 line 17, and inserting the following:
- 4 ""Medical Procedure Waiting Period Act".
- 5 Sec. 2. NEW SECTION. 146A.2 MEDICAL PROCEDURES
- 6 -- WAITING PERIOD.
- 7 Except in the case of a medical emergency, a
- 8 medical procedure shall not be performed on an
- 9 individual in this state unless the individual
- 10 consents to the procedure at least twenty-four hours
- 11 prior to the performance of the procedure."
- 12 2. Title page, lines 1 and 2, by striking the
- 13 words "an abortion and providing a criminal penalty,
- 14 and providing an effective date" and inserting the
- 15 following: "a medical procedure".

By GRUNDBERG of Polk

H-1204 FILED MARCH 6, 2001

o/o 3/6/01

HOUSE FILE 341

H-1205

- 1 Amend House File 341 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "abortion" the following: ", and information
- 4 regarding the costs associated with raising a child to
- 5 the age of majority if the putative father does not
- 6 provide financial support for the child".

By GRUNDBERG of Polk

H-1205 FILED MARCH 6, 2001

*o/o
3/6/01
(P.622)*

HOUSE FILE 341

H-1206

- 1 Amend House File 341 as follows:
2 1. Page 2, line 6, by inserting after the word
3 "Information" the following: "regarding the putative
4 father including".
5 2. Page 2, line 10, by inserting after the word
6 "abortion" the following: ", and information
7 regarding the declaration of paternity registry
8 established in section 144.12A".

By GRUNDBERG of Polk

H-1206 FILED MARCH 6, 2001

0/0
3/6/00 (p. 622)

HOUSE FILE 341

H-1207

- 1 Amend House File 341 as follows:
2 1. Page 1, by inserting after line 25, the
3 following:
4 "Sec. ____ . NEW SECTION. 146A.2A MANDATORY
5 INFORMATION -- REPRODUCTIVE HEALTH SERVICES.
6 An individual seeking reproductive health services
7 in this state shall be provided with all of the
8 following information:
9 1. The policy or practice of the hospital,
10 ambulatory treatment center, or other person from whom
11 the individual is seeking reproductive health services
12 relating to any restrictions in the provision of
13 services regarding contraceptive services including
14 but not limited to emergency contraception, surgical
15 sterilization, infertility treatments, and abortions.
16 2. The policy or practice of the physician or
17 other licensed practitioner from whom the individual
18 is seeking reproductive health services relating to
19 any restrictions in the provision of services
20 regarding contraceptive services including but not
21 limited to emergency contraception, surgical
22 sterilization, infertility treatments, and abortions."
23 2. Title page, line 1, by inserting after the
24 words "relating to" the following: "reproductive
25 health including the provision of information
26 regarding the reproductive health services provided by
27 a specific person and including".
28 3. By renumbering as necessary.

By GRUNDBERG of Polk

H-1207 FILED MARCH 6, 2001

0/0
3/6/01
(p. 622)

HOUSE FILE 341

H-1208

1 Amend the amendment, H-1182, to House File 341 as
2 follows:

3 1. Page 1, by inserting after line 16, the
4 following:

5 "Sec. ____ . NEW SECTION. 146A.6 HARASSMENT --
6 PROHIBITED -- CRIMINAL PENALTY.

7 1. A person commits harassment in the second
8 degree when the person purposefully contacts a woman
9 upon whom an abortion is to be performed, during the
10 twenty-four-hour period of delay provided under this
11 chapter, for the purpose of influencing the woman's
12 decision relating to the performance of an abortion.

13 2. For the purposes of this section, "person" does
14 not include a person residing with the woman or a
15 person related to the woman by consanguinity or
16 affinity.

17 Sec. ____ . Section 708.7, subsection 3, unnumbered
18 paragraph 1, Code 2001, is amended to read as follows:

19 A person commits harassment in the second degree
20 when the person commits harassment involving a threat
21 to commit bodily injury, commits harassment pursuant
22 to section 146A.6, or commits harassment and has
23 previously been convicted of harassment two times
24 under this section or any similar statute during the
25 preceding ten years."

26 2. Page 1, by striking lines 17 and 18.

27 3. By renumbering as necessary.

By WARNSTADT of Woodbury

H-1208 FILED MARCH 6, 2001

Adopted

3-6-01

(P.619)

**HOUSE FILE 341
FISCAL NOTE**

A fiscal note for **House File 341** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 341 establishes a new chapter in the Code of Iowa relating to informed consent prior to an abortion. The Bill specifies the required informed consent provisions and provides alternatives to providing informed consent in the case of a medical emergency. The Bill requires the Department of Public Health to publish certain information relating to options for managing a pregnancy. The Bill also provides penalties.

ASSUMPTIONS

1. The number of providers (physicians or physicians' agents) would range from 7,000 - 10,000.
2. The Department of Public Health would incur annual costs of approximately \$3,000 for printing and distributing patient certification forms.
3. Materials which provide a geographically-indexed list of public and private agencies and services available to assist the patient would be developed and printed by the Department. The cost would be approximately \$9,000 (\$0.37 per copy for 25,000 copies).
4. The Department of Public Health would reprint copies of Fetal Growth and Development which was prepared by the South Dakota Department of Health in response to similar legislation and has been offered to other states for printing. The estimated cost would be \$0.82 for each reprint and necessary addendums for a total of approximately \$21,000 for 25,000 copies.
5. Service agencies materials and fetal characteristics materials would be mailed together. Mailing costs would be approximately \$19,000 if bulk mail were used.
6. The Department of Public Health would incur costs for one Program Planner position of approximately \$42,000.
7. The cost of a 1-800 number would vary depending on the number of hours it would be answered per week and the manner by which calls would be answered (by person or a recording device). The cost could range from \$75,000 - \$150,000 per year. The Bill does not require the Department of Health to use a 1-800 number, therefore, no associated costs have been included in the estimate.
8. The estimate does not include the potential impact on the Judicial Department as an impact cannot be determined due to a lack of data regarding the number and duration of cases that might result from this Bill.

FISCAL IMPACT

The estimated FY 2002 General Fund cost of HF 341 is \$94,000. This estimate is comprised of the following items:

-2-

Patient Certification Forms	\$ 3,000
Geographically-indexed Materials	\$ 9,000
Fetal Characteristics Materials	\$ 21,000
Mailing Costs	\$ 19,000
Staff Support	\$ 42,000

Judicial Department costs cannot be determined, therefore, no associated costs have been included in the estimate.

SOURCES

Iowa Department of Public Health
Judicial Department

(LSB 1505yh, RIT)

FILED MARCH 6, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

**HOUSE FILE 341
FISCAL NOTE**

A fiscal note for **House File 341 revised** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 341 establishes a new chapter in the Code of Iowa relating to informed consent prior to an abortion. The Bill specifies the required informed consent provisions and provides alternatives to providing informed consent in the case of a medical emergency. The Bill requires the Department of Public Health to publish certain information relating to options for managing a pregnancy. The Bill also provides penalties.

ASSUMPTIONS

1. The number of providers (physicians or physicians' agents) would range from 7,000 - 10,000.
2. The Department of Public Health would incur annual costs of approximately \$3,000 for printing and distributing patient certification forms.
3. Materials which provide a geographically-indexed list of public and private agencies and services available to assist the patient would be developed and printed by the Department. The cost would be approximately \$9,000 (\$0.37 per copy for 25,000 copies).
4. The Department of Public Health would reprint copies of Fetal Growth and Development which was prepared by the South Dakota Department of Health in response to similar legislation and has been offered to other states for printing. The estimated cost would be \$0.82 for each reprint and necessary addendums for a total of approximately \$21,000 for 25,000 copies.
5. Service agencies materials and fetal characteristics materials would be mailed together. Mailing costs would be approximately \$19,000 if bulk mail were used.
6. The Department of Public Health would incur costs for one Program Planner position of approximately \$42,000.
7. The cost of a 1-800 number would vary depending on the number of hours it would be answered per week and the manner by which calls would be answered (by person or a recording device). The cost could range from \$75,000 - \$150,000 per year. The Bill does not require the Department of Health to use a 1-800 number, therefore, no associated costs have been included in the estimate.
8. The estimate does not include the potential impact on the Judicial Department as an impact cannot be determined due to a lack of data regarding the number and duration of cases that might result from this Bill.

CORRECTIONAL IMPACT

There is no significant correctional impact as a result of the provisions of House File 341.

FISCAL IMPACT

The estimated FY 2002 General Fund cost of HF 341 is \$94,000. This estimate is comprised of the following items:

Patient Certification Forms	\$ 3,000
Geographically-indexed Materials	\$ 9,000
Fetal Characteristics Materials	\$ 21,000
Mailing Costs	\$ 19,000
Staff Support	\$ 42,000

Judicial Department costs cannot be determined, therefore, no associated costs have been included in the estimate.

SOURCES

Iowa Department of Public Health
Judicial Department

(LSB 1505yh.2, RIT)

FILED MARCH 6, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

5-3/28/01 Do Pass

HOUSE FILE 341

BY BODDICKER, MERTZ, HOVERSTEN, DE BOEF,
JOHNSON, TYRRELL, BOAL, MANTERNACH,
REKOW, BAUDLER, ALONS, RAYHONS, HEATON,
DIX, O'BRIEN, BROERS, ROBERTS, DOLECHECK,
KLEMME, GIPP, BRAUNS, BARRY, CORMACK,
SUKUP, BRUNKHORST, RANTS, SHEY, SIEVERS,
QUIRK, EICHHORN, CARROLL, RAECKER, FINCH,
TEIG, HOFFMAN, MILLAGE, LARSON, GARMAN,
VAN FOSSEN, CHIDO, EDDIE, VAN ENGELENHOVEN,
TREMMELE, SENG, DRAKE, HORBACH, and
OSTERHAUS

(As Amended and Passed by the House March 6, 2001)

Passed House, Date _____ Passed Senate, Date 4-16-01
Vote: Ayes _____ Nays _____ Vote: Ayes 32 Nays 16
Approved April 26, 2001
noted

A BILL FOR

1 An Act relating to informed consent to an abortion and providing
2 a criminal penalty, and providing an effective date.

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

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House Amendments _____

1 Section 1. NEW SECTION. 146A.1 TITLE.

2 This chapter shall be known and may be cited as the
3 "Woman's Right to Know Act".

4 Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "Abortion" means abortion as defined in section 146.1.

8 2. "Attempt to perform an unlawful abortion" means an act,
9 or an omission of an act required by law, that constitutes a
10 substantial step in a course of conduct intended to culminate
11 in the performance of an abortion in violation of this
12 chapter.

13 3. "Department" means the Iowa department of public
14 health.

15 4. "Medical emergency" means any condition which, on the
16 basis of a physician's good faith clinical judgment, so
17 complicates the medical condition of a pregnant woman as to
18 necessitate the immediate performance of an abortion to avert
19 the pregnant woman's death, or to necessitate the immediate
20 performance of an abortion to avert a serious risk of
21 substantial and irreversible impairment of a major bodily
22 function if the performance of the abortion is delayed.

23 5. "Physician" means a person licensed to practice
24 medicine and surgery pursuant to chapter 148 or osteopathic
25 medicine and surgery pursuant to chapter 150A.

26 Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND INFORMED
27 CONSENT.

28 1. An abortion shall not be performed in this state
29 without the voluntary and informed consent of the woman upon
30 whom the abortion is to be performed. Except in the case of a
31 medical emergency, consent to an abortion is voluntary and
32 informed only if the requirements of this section are met.

33 2. The referring physician, the physician who will perform
34 the abortion, or an agent of either physician shall provide
35 all of the following information to the woman by telephone, by

1 audiotape, or in person, at least twenty-four hours before the
2 abortion:

3 a. Information that medical assistance benefits may be
4 available to the woman for prenatal care, childbirth, and
5 neonatal care.

6 b. Information that the putative father is liable to
7 assist in the support of the child and that efforts to collect
8 support may result in, but are not guaranteed to result in,
9 financial support of the child, even if the putative father
10 has offered to pay for the abortion.

11 c. Information that medical assistance benefits may be
12 available to the woman for an abortion under certain
13 circumstances.

14 d. Information that contraceptives are available to the
15 woman and that medical assistance benefits may be available to
16 the woman for coverage of the costs of contraceptives.

17 e. Information that the woman has the right to review the
18 printed materials described in subsection 3.

19 3. After being informed of the woman's right to review
20 printed materials pursuant to subsection 2, if the woman
21 wishes to review the materials, the materials shall be
22 provided to the woman at least twenty-four hours before the
23 abortion is performed or shall be mailed to the woman by
24 regular mail or by restricted certified mail, as defined in
25 section 618.15, as requested by the woman. The physician or
26 the physician's agent shall orally inform the woman that the
27 materials have been provided by the state and that they
28 describe the unborn child and list agencies that offer
29 alternatives to abortion. The printed materials shall include
30 all of the following:

31 a. Geographically indexed materials designed to inform the
32 woman of public and private agencies and services available to
33 assist a woman through pregnancy, at the time of childbirth,
34 and while the child is dependent, including adoption agencies.
35 The materials shall include a comprehensive list of the

1 agencies available, categorized by the type of services
2 offered, and a description of the manner, including telephone
3 numbers, in which the agencies may be contacted. The
4 department may also provide a toll-free, twenty-four-hour-a-
5 day telephone number which may be called to obtain from a live
6 person any relevant information, including but not limited to
7 a list and description of agencies in the locality of the
8 caller and of the services offered.

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

15 c. Materials designed to inform the woman of the probable
16 anatomical and physiological characteristics of the unborn
17 child at two-week gestational increments from the time that it
18 is medically possible to make a determination of pregnancy to
19 full term. The materials shall include any relevant
20 information regarding the possibility of the survival of the
21 unborn child and pictures or drawings representing the
22 development of the unborn child at two-week gestational
23 increments, provided that any pictures or drawings shall
24 contain the dimensions of the unborn child and shall be
25 realistic and appropriate for the state of pregnancy depicted.
26 The materials shall be objective, nonjudgmental, and designed
27 to convey only accurate scientific information about the
28 unborn child at various gestational stages. The materials
29 shall also contain objective information describing the
30 methods of abortion procedures commonly used, the medical
31 risks commonly associated with each such procedure, the
32 possible detrimental psychological effects of abortion, and
33 the medical risks commonly associated with carrying an unborn
34 child to term.

35 4. The referring physician, the physician who is to

1 perform the abortion, or the agent of either physician, who
2 provides the information and printed materials pursuant to
3 subsections 2 and 3, shall obtain written certification from
4 the woman that the information required pursuant to subsection
5 2 was provided. The referring physician, the physician who is
6 to perform the abortion, or the agent of either physician, who
7 obtains the written certification under this subsection shall
8 retain a copy of the certification and shall provide a copy of
9 the certification to the woman. A physician shall not perform
10 an abortion on a woman prior to obtaining the completed
11 certification form from the woman.

12 5. On or before October 1, 2001, the department shall
13 cause the information referred to in subsection 2 to be
14 published in printed format. The information shall be
15 provided in an easily comprehensible manner. The information
16 shall be published in a typeface large enough to be clearly
17 legible. The printed information shall be available from the
18 department at no cost, upon request, and in an appropriate
19 number, to any person.

20 Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF MEDICAL
21 EMERGENCY.

22 If a medical emergency necessitates the performance of an
23 abortion, the physician shall inform the woman, prior to the
24 performance of the abortion, if possible, of the medical
25 indications supporting the physician's judgment that the
26 immediate performance of an abortion is necessary to avert the
27 woman's death or that a twenty-four-hour delay in the
28 performance of an abortion will create a serious risk of
29 substantial and irreversible impairment of a major bodily
30 function.

31 Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

32 1. A person who knowingly or recklessly performs or
33 attempts to perform an abortion in violation of this chapter
34 is guilty of a simple misdemeanor.

35 2. A criminal penalty shall not be assessed under this

1 chapter against a woman upon whom an abortion is performed or
2 attempted to be performed. A criminal penalty shall not be
3 assessed for failure of a woman to comply with the requirement
4 of written certification pursuant to section 146A.3, if the
5 department has not made the information available at the time
6 the physician or the physician's agent is required to inform
7 the woman of the woman's right to review the information.

8 Sec. 6. NEW SECTION. 146A.6 PROTECTION OF PRIVACY IN
9 COURT PROCEEDINGS -- PENALTY.

10 1. In every criminal proceeding brought pursuant to this
11 chapter, the court proceedings shall be conducted in a manner
12 which protects the confidentiality of the woman, and all court
13 documents pertaining to the proceedings shall remain
14 confidential and shall be sealed. The court shall direct the
15 exclusion of individuals from courtrooms or hearing rooms to
16 the extent necessary to safeguard the woman's identity from
17 public disclosure.

18 2. This section shall not be construed to conceal the
19 identity of witnesses from the defendant.

20 3. A person who knowingly violates the confidentiality
21 requirements of this section relating to court proceedings and
22 documents is guilty of a simple misdemeanor.

23 Sec. 7. EFFECTIVE DATE. This Act takes effect October 1,
24 2001.

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S-3286

1 Amend House File 341, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 14, the
4 following:

5 "3A. "Facility that provides pregnancy options
6 counseling" means a facility, organization, agency, or
7 other person that advises women about pregnancy
8 options by telephone, audiotape, or in person."

9 2. Page 1, by inserting after line 32, the
10 following:

11 "1A. Any facility or agent of a facility that
12 provides pregnancy options counseling to women shall
13 provide medically and factually accurate and objective
14 information about pregnancy options to a woman,
15 including the options of carrying the pregnancy to
16 term, adoption, and abortion. If a woman requests
17 additional information about any particular option,
18 the facility shall provide medically and factually
19 accurate and objective written information or a
20 referral to the woman."

By ROBERT E. DVORSKY

S-3286 FILED APRIL 2, 2001

lost

4-16-01 (P. 1123) HOUSE FILE 341

S-3287

1 Amend House File 341 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, by striking line 3, and inserting the
4 following: ""State Mandated Information and Waiting
5 Period for Abortion Act".

6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "state mandated information and a waiting period for".

By PATRICIA HARPER

S-3287 FILED APRIL 2, 2001

lost

4-16-01

(P. 1122)

HOUSE FILE 341**S-3288**

1 Amend House File 341, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 28, by striking the words "unborn
4 child" and inserting the following: "fetus".
5 2. Page 3, lines 16 and 17, by striking the words
6 "unborn child" and inserting the following: "fetus".
7 3. Page 3, line 21, by striking the words "unborn
8 child" and inserting the following: "fetus".
9 4. Page 3, line 22, by striking the words
10 "unborn child" and inserting the following: "fetus".
11 5. Page 3, line 24, by striking the words "unborn
12 child" and inserting the following: "fetus".
13 6. Page 3, line 28, by striking the words "unborn
14 child" and inserting the following: "fetus".
15 7. Page 3, lines 33 and 34, by striking the words
16 "unborn child" and inserting the following: "fetus".

By BETTY A. SOUKUP

S-3288 FILED APRIL 2, 2001

lost
4-16-01 (P. 1124)

HOUSE FILE 341**S-3298**

1 Amend House File 341 as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 4, line 31, through page 5,
4 line 7.
5 2. Page 5, line 9, by striking the word "COURT".
6 3. Page 5, line 10, by striking the word
7 "criminal".
8 4. Page 5, line 12, by striking the word "court".
9 5. Page 5, by striking lines 14 and 15, and
10 inserting the following: "confidential and shall be
11 sealed. Individuals shall be excluded from the
12 proceedings to".
13 6. Page 5, line 19, by striking the word
14 "defendant" and inserting the following:
15 "respondent".
16 7. Page 5, line 21, by striking the word "court".
17 8. By renumbering as necessary.

By JACK HOLVECK

S-3298 FILED APRIL 3, 2001

lost
4-16-01 (P. 1124)

HOUSE FILE 341**S-3322**

1 Amend House File 341 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 14, the
4 following:
5 "____. "Medically accurate" relating to information
6 and materials provided by the state under this chapter
7 means that all of the information and materials
8 provided are verified or supported by the weight of
9 research conducted in compliance with accepted
10 scientific methods and published in peer-reviewed
11 journals, where appropriate, and are recognized as
12 accurate and objective by leading professional
13 organizations and agencies with expertise in
14 reproductive health services, such as the American
15 college of obstetricians and gynecologists, the
16 American medical association, or the centers for
17 disease control and prevention of the United States
18 department of health and human services."
19 2. Page 1, line 35, by inserting after the word
20 "following" the following: "medically accurate".
21 3. Page 2, line 29, by inserting after the word
22 "shall" the following: "be medically accurate and
23 shall".
24 4. By renumbering as necessary.

By MAGGIE TINSMAN

S-3322 FILED APRIL 10, 2001

Lat
4-16-01
(P. 1123)

HOUSE FILE 341

S-3323

1 Amend House File 341, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 146A.1 INFORMED CONSENT
6 -- MEDICAL PROCEDURES.
7 1. Except in the case of a medical emergency,
8 written consent shall be obtained prior to the
9 performance of any medical or surgical procedure or
10 course of procedures related to patient care.
11 2. Written consent obtained in accordance with all
12 of the following creates a presumption that informed
13 consent has been obtained:
14 a. Information has been provided in general terms
15 describing the nature and purpose of the procedure or
16 procedures, together with the known risks, if any, of
17 death, brain damage, quadriplegia, paraplegia, the
18 loss or loss of function of any organ or limb, or
19 disfiguring scars associated with the procedure or
20 procedures, with the probability of each such risk, if
21 reasonably determinable.
22 b. The written consent acknowledges that the
23 information outlined in paragraph "a" has been
24 provided and that all questions asked by the patient
25 regarding the procedure or procedures have been
26 answered satisfactorily.
27 c. The written consent is signed by the patient
28 upon whom the procedure or procedures are to be
29 performed, or by the patient's legal representative."
30 2. Title page, lines 1 and 2, by striking the
31 following: "to an abortion and providing a criminal
32 penalty, and providing an effective date".

By JOHNIE HAMMOND

S-3323 FILED APRIL 10, 2001

Last 4-16-01

(P. 1122)

HOUSE FILE 341

S-3324

1 Amend House File 341, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 5, the
4 following:
5 "aa. Information regarding the risks of carrying
6 the fetus to term and the risks of delivery."
7 2. By relettering as necessary.

By JOHNIE HAMMOND

S-3324 FILED APRIL 10, 2001

Last

4-16-01

(P. 1124)

HOUSE FILE 341

S-3326

- 1 Amend House File 341 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 20, by striking the words "risk
4 of" and inserting the following: "health risk."
5 2. Page 1, by striking lines 21 and 22.
6 3. Page 4, line 28, by striking the words "risk
7 of" and inserting the following: "health risk."
8 4. Page 4, by striking lines 29 and 30.

By JOE BOLKCOM

S-3326 FILED APRIL 10, 2001

lost
4-16-01 (P.1123)

HOUSE FILE 341

S-3332

- 1 Amend House File 341, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 22, the
4 following:
5 "Sec. ____ . NEW SECTION. 146B.1 TITLE.
6 This chapter shall be known and may be cited as the
7 "Vasectomy Waiting Period Act".
8 Sec. ____ . NEW SECTION. 146B.2 VASECTOMY --
9 MANDATORY WAITING PERIOD.
10 1. Except in the case of a medical emergency, a
11 vasectomy shall not be performed in this state unless
12 the man upon whom the vasectomy is to be performed
13 consents to the vasectomy at least twenty-four hours
14 prior to the performance of the procedure.
15 2. The referring physician, the physician who will
16 perform the vasectomy, or an agent of either physician
17 shall provide information to the man, by telephone, by
18 audiotape, or in person, at least twenty-four hours
19 before the vasectomy regarding the method, the
20 procedures commonly used, the risks commonly
21 associated with each procedure, the possible
22 detrimental effects of a vasectomy, and the medical
23 risks commonly associated with a vasectomy.
24 3. The referring physician, the physician who will
25 perform the vasectomy, or an agent of either
26 physician, who provides the required information
27 pursuant to subsection 2 to the man upon whom the
28 vasectomy is to be performed, shall obtain and retain
29 written certification from the man that the
30 information was provided."
31 2. Title page, line 1, by striking the word
32 "informed".
33 3. Title page, line 1, by inserting after the
34 word "abortion" the following: "or a vasectomy".

By BETTY A. SOUKUP

S-3332 FILED APRIL 10, 2001

lost
4-16-01
(P.1124)

HOUSE FILE 341

S-3333

- 1 Amend House File 341, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 101. NEW SECTION. 2.17A WAITING PERIOD
6 -- VOTING.
7 It is the intent of the general assembly that each
8 vote taken by a member of the general assembly be made
9 with the informed consent of the member. In order to
10 assure that each vote is taken with informed consent,
11 each house of the general assembly shall allow a
12 twenty-four hour waiting period between final remarks
13 on a bill that is before the house and the final vote
14 on the bill."
15 2. Page 5, line 23, by striking the word "This"
16 and inserting the following: "Sections 1 through 6 of
17 this".
18 3. Title page, line 1, by striking the words "to
19 an abortion".
20 4. By renumbering as necessary.

By MARK SHEARER

S-3333 FILED APRIL 10, 2001

0/0

4-16-01

(p. 1122)



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 26, 2001

2
APR 26 2001

Brent Siegrist
Speaker of the House
State Capitol Building
LOCAL

Dear Speaker Siegrist:

I hereby transmit House File 341, an act relating to informed consent provisions relating to an abortion and providing criminal penalties, and providing an effective date.

House File 341 provides that an abortion shall be prohibited without the "voluntary and informed consent" of the woman seeking the procedure. To meet this consent requirement, a physician or the physician's agent is required to provide government prescribed information, predominantly non-medical, to the woman at least 24 hours prior performing the procedure. The bill, in a rare move, would subject medical professionals to criminal penalties for failing to comply.

House File 341 is substantially the same as House File 2229, which I vetoed one year ago. The concerns that I expressed then remain today and are as follows:

1. Providing prescribed information – While I firmly support providing information that allows a patient to make an informed decision regarding a medical procedure, the requirement in this bill is redundant with current law and therefore not necessary. Iowa law currently requires a medical professional to obtain, from the patient, a written consent to any medical or surgical procedure. (Iowa Code 147.137) This written consent includes information on the risks associated with the procedure to be performed. Therefore, women are already being provided information they need to make an informed decision about the abortion procedure.
2. 24 Hour Waiting period - This bill also assumes that women do not invest enough time before the procedure weighing the emotional, medical, and spiritual factors involved in making this extremely difficult decision. I do not believe that assumption is true.

Current parental notification laws, which I supported, also provide an opportunity for every young woman to have help and assistance in making this decision. Medical facilities providing abortions and family planning services currently make information available to a woman contemplating an abortion. A number of other organizations, including many churches, synagogues, and faith-based organizations, should and do make information on alternatives available. From this, I conclude that any information a woman wants or needs is available to her.

Given the current laws in Iowa and the level of information currently available to women, I must again conclude that this bill is not about providing informed consent. Rather it is about government prescribing what a woman should think about, when a woman should think, and for how long a woman should think. This goes beyond the appropriate role of government in the context of this legal procedure.

The decision to have or not have an abortion is and should be the patient's decision. It should be made pursuant to her own values, in consultation with her physician and her God. Government's role is and should be limited.

For the above reasons, I hereby respectfully disapprove House File 341.

Sincerely,



Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Secretary of State

HOUSE FILE 341

AN ACT

RELATING TO INFORMED CONSENT TO AN ABORTION AND PROVIDING
A CRIMINAL PENALTY, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 146A.1 TITLE.

This chapter shall be known and may be cited as the
"Woman's Right to Know Act".

Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.

As used in this chapter, unless the context otherwise
requires:

1. "Abortion" means abortion as defined in section 146.1.
2. "Attempt to perform an unlawful abortion" means an act,
or an omission of an act required by law, that constitutes a
substantial step in a course of conduct intended to culminate
in the performance of an abortion in violation of this
chapter.
3. "Department" means the Iowa department of public
health.
4. "Medical emergency" means any condition which, on the
basis of a physician's good faith clinical judgment, so
complicates the medical condition of a pregnant woman as to
necessitate the immediate performance of an abortion to avert
the pregnant woman's death, or to necessitate the immediate
performance of an abortion to avert a serious risk of
substantial and irreversible impairment of a major bodily
function if the performance of the abortion is delayed.

5. "Physician" means a person licensed to practice
medicine and surgery pursuant to chapter 148 or osteopathic
medicine and surgery pursuant to chapter 150A.

Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND INFORMED
CONSENT.

1. An abortion shall not be performed in this state
without the voluntary and informed consent of the woman upon
whom the abortion is to be performed. Except in the case of a
medical emergency, consent to an abortion is voluntary and
informed only if the requirements of this section are met.
2. The referring physician, the physician who will perform
the abortion, or an agent of either physician shall provide
all of the following information to the woman by telephone, by
audiotape, or in person, at least twenty-four hours before the
abortion:
 - a. Information that medical assistance benefits may be
available to the woman for prenatal care, childbirth, and
neonatal care.
 - b. Information that the putative father is liable to
assist in the support of the child and that efforts to collect
support may result in, but are not guaranteed to result in,
financial support of the child, even if the putative father
has offered to pay for the abortion.
 - c. Information that medical assistance benefits may be
available to the woman for an abortion under certain
circumstances.
 - d. Information that contraceptives are available to the
woman and that medical assistance benefits may be available to
the woman for coverage of the costs of contraceptives.
 - e. Information that the woman has the right to review the
printed materials described in subsection 3.
3. After being informed of the woman's right to review
printed materials pursuant to subsection 2, if the woman
wishes to review the materials, the materials shall be
provided to the woman at least twenty-four hours before the

abortion is performed or shall be mailed to the woman by regular mail or by restricted certified mail, as defined in section 618.15, as requested by the woman. The physician or the physician's agent shall orally inform the woman that the materials have been provided by the state and that they describe the unborn child and list agencies that offer alternatives to abortion. The printed materials shall include all of the following:

a. Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, at the time of childbirth, and while the child is dependent, including adoption agencies. The materials shall include a comprehensive list of the agencies available, categorized by the type of services offered, and a description of the manner, including telephone numbers, in which the agencies may be contacted. The department may also provide a toll-free, twenty-four-hour-a-day telephone number which may be called to obtain from a live person any relevant information, including but not limited to a list and description of agencies in the locality of the caller and of the services offered.

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 childbirth over abortion.

c. Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time that it is medically possible to make a determination of pregnancy to full term. The materials shall include any relevant information regarding the possibility of the survival of the unborn child and pictures or drawings representing the development of the unborn child at two-week gestational

increments, provided that any pictures or drawings shall contain the dimensions of the unborn child and shall be realistic and appropriate for the state of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at various gestational stages. The materials shall also contain objective information describing the methods of abortion procedures commonly used, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion, and the medical risks commonly associated with carrying an unborn child to term.

4. The referring physician, the physician who is to perform the abortion, or the agent of either physician, who provides the information and printed materials pursuant to subsections 2 and 3, shall obtain written certification from the woman that the information required pursuant to subsection 2 was provided. The referring physician, the physician who is to perform the abortion, or the agent of either physician, who obtains the written certification under this subsection shall retain a copy of the certification and shall provide a copy of the certification to the woman. A physician shall not perform an abortion on a woman prior to obtaining the completed certification form from the woman.

5. On or before October 1, 2001, the department shall cause the information referred to in subsection 2 to be published in printed format. The information shall be provided in an easily comprehensible manner. The information shall be published in a typeface large enough to be clearly legible. The printed information shall be available from the department at no cost, upon request, and in an appropriate number, to any person.

Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF MEDICAL EMERGENCY.

If a medical emergency necessitates the performance of an abortion, the physician shall inform the woman, prior to the performance of the abortion, if possible, of the medical indications supporting the physician's judgment that the immediate performance of an abortion is necessary to avert the woman's death or that a twenty-four-hour delay in the performance of an abortion will create a serious risk of substantial and irreversible impairment of a major bodily function.

Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

1. A person who knowingly or recklessly performs or attempts to perform an abortion in violation of this chapter is guilty of a simple misdemeanor.
2. A criminal penalty shall not be assessed under this chapter against a woman upon whom an abortion is performed or attempted to be performed. A criminal penalty shall not be assessed for failure of a woman to comply with the requirement of written certification pursuant to section 146A.3, if the department has not made the information available at the time the physician or the physician's agent is required to inform the woman of the woman's right to review the information.

Sec. 6. NEW SECTION. 146A.6 PROTECTION OF PRIVACY IN COURT PROCEEDINGS -- PENALTY.

1. In every criminal proceeding brought pursuant to this chapter, the court proceedings shall be conducted in a manner which protects the confidentiality of the woman, and all court documents pertaining to the proceedings shall remain confidential and shall be sealed. The court shall direct the exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure.
2. This section shall not be construed to conceal the identity of witnesses from the defendant.
3. A person who knowingly violates the confidentiality requirements of this section relating to court proceedings and documents is guilty of a simple misdemeanor.

Sec. 7. EFFECTIVE DATE. This Act takes effect October 1, 2001.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 341, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Vetoed
Approved *April 26*, 2001

THOMAS J. VILSACK
Governor