

FEB 8 2002
HUMAN RESOURCES

2/21/02 Do Pass
5-3/4/02 Human Res
6-3/11/02 Do Pass

HOUSE FILE 2264

BY BODDICKER, HOVERSTEN, TYRRELL,
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WEIDMAN, BAUDLER, SIEVERS, CARROLL,
RAYHONS, KETTERING, HOFFMAN, EDDIE,
HEATON, TREMMEL, SENG, and CHIDO

Passed House, ^(p.579) Date 3/4/02 Passed Senate, ^(p.784) Date 3-25-02
Vote: Ayes 70 Nays 29 Vote: Ayes 31 Nays 17
Retired Approved March 29, 2002

HF 2264

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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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 the time the woman initially
2 contacts the physician's private office or a facility that
3 provides abortions to inquire about or to schedule an
4 appointment for an abortion:

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

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

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

15 3. a. After being informed of the woman's right to review
16 printed materials pursuant to subsection 2, if the woman
17 wishes to review the materials, all of the following shall
18 apply:

19 (1) If the department establishes an internet site, the
20 woman shall be informed that the materials are available
21 through a state-sponsored internet site and shall be informed
22 of the internet site address.

23 (2) If the woman initially contacts the physician's
24 private office or a facility that provides abortions in
25 person, the materials shall be provided to the woman at that
26 time.

27 (3) If the woman initially contacts the physician's
28 private office or a facility that provides abortions by
29 telephone and wishes to review the materials, the materials
30 shall be mailed to the woman by regular mail or by restricted
31 certified mail, as defined in section 618.15, as requested by
32 the woman.

33 (4) The woman shall be informed that the materials have
34 been provided by the state and that they describe the unborn
35 child and list agencies that offer alternatives to abortion.

1 b. The printed materials shall include all of the
2 following:

3 (1) Geographically indexed materials designed to inform
4 the woman of public and private agencies and services
5 available to assist a woman through pregnancy, at the time of
6 childbirth, and while the child is dependent, including
7 adoption agencies. The materials shall include a
8 comprehensive list of the agencies available, categorized by
9 the type of services offered, and a description of the manner,
10 including telephone numbers, in which the agencies may be
11 contacted. The department may also provide a toll-free,
12 twenty-four-hour-a-day telephone number which may be called to
13 obtain, orally, a list and description of agencies in the
14 locality of the caller and of the services offered.

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

21 (3) Materials designed to inform the woman of the probable
22 anatomical and physiological characteristics of the unborn
23 child at two-week gestational increments from the time that it
24 is medically possible to make a determination of pregnancy to
25 full term. The materials shall include any relevant
26 information regarding the possibility of the survival of the
27 unborn child and pictures or drawings representing the
28 development of the unborn child at two-week gestational
29 increments, provided that any pictures or drawings shall
30 contain the dimensions of the unborn child and shall be
31 realistic and appropriate for the state of pregnancy depicted.
32 The materials shall be objective, nonjudgmental, and designed
33 to convey only accurate scientific information about the
34 unborn child at various gestational stages. The materials
35 shall also contain objective information describing the

1 methods of abortion procedures commonly used, the medical
2 risks commonly associated with each such procedure, the
3 possible detrimental psychological effects of abortion, and
4 the medical risks commonly associated with carrying an unborn
5 child to term.

6 4. A physician shall not perform an abortion on a woman
7 unless the physician obtains written certification that the
8 information required pursuant to subsection 2 was provided to
9 the woman. The physician shall retain a copy of the
10 certification and shall provide a copy of the certification to
11 the woman.

12 5. a. By October 1, 2002, the department shall cause the
13 information described in subsection 2 to be published in
14 printed format. The information shall be provided in an
15 easily comprehensible manner. The information shall be
16 published in a typeface large enough to be clearly legible.
17 The printed information shall be available from the department
18 at no cost, upon request, and in an appropriate number, to any
19 person.

20 b. The department may establish and maintain an internet
21 site to provide the information described in subsection 2.
22 The internet site shall provide for confidentiality of
23 individuals who access the site and no information identifying
24 the individual shall be collected or maintained. The
25 department shall monitor the internet site to ensure that the
26 site is secure and to prevent and correct any tampering with
27 the site.

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

30 If a medical emergency necessitates the performance of an
31 abortion, the physician shall inform the woman, prior to the
32 performance of the abortion, if possible, of the medical
33 indications supporting the physician's judgment that the
34 immediate performance of an abortion is necessary to avert the
35 woman's death or that a delay in the performance of an

1 abortion will create a serious risk of substantial and
2 irreversible impairment of a major bodily function.

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

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

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

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

17 1. In every criminal proceeding brought pursuant to this
18 chapter, the court proceedings shall be conducted in a manner
19 which protects the confidentiality of the woman, and all court
20 documents pertaining to the proceedings shall remain
21 confidential and shall be sealed. The court shall direct the
22 exclusion of individuals from courtrooms or hearing rooms to
23 the extent necessary to safeguard the woman's identity from
24 public disclosure.

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

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

30 Sec. 7. EFFECTIVE DATE. This Act takes effect October 1,
31 2002.

32 EXPLANATION

33 This bill establishes a new Code chapter 146A, relating to
34 informed consent prior to an abortion.

35 Code section 146A.1 provides that the chapter shall be

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

2 Code section 146A.2 provides definitions necessary to the
3 chapter.

4 Code section 146A.3 specifies the required informed consent
5 provisions, including provision of certain information to a
6 woman by the physician or an agent of the physician, required
7 certification by the woman of provision to the woman of the
8 required information, and receipt of the certification by the
9 physician prior to the performance of an abortion. The bill
10 requires the Iowa department of public health to publish
11 information relating to options for managing a pregnancy by
12 October 1, 2002. The bill provides that the department may
13 establish and maintain an internet site to provide the
14 information.

15 Code section 146A.4 provides for alternatives to providing
16 informed consent as required by the chapter in the case of a
17 medical emergency.

18 Code section 146A.5 provides criminal penalties. The bill
19 establishes a criminal penalty of a simple misdemeanor for a
20 person who knowingly or recklessly performs or attempts to
21 perform an abortion in violation of the chapter. The bill
22 prohibits the assessment of a criminal penalty against a woman
23 upon whom an abortion is performed or attempted to be
24 performed. The bill also prohibits the assessment of a
25 criminal penalty against a woman for failure to comply with
26 certification requirements if the department has not made the
27 printed materials available as required.

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

30 The bill takes effect October 1, 2002.

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HOUSE FILE 2264

S-5111

- 1 Amend House File 2264, as passed by the House, as
- 2 follows:
- 3 1. Page 5, by striking lines 3 through 29.
- 4 2. Title page, line 2, by striking the words "a
- 5 criminal penalty, and providing".

By DICK L. DEARDEN

S-5111 FILED MARCH 5, 2002

W/D
3/20/02

HOUSE FILE 2264

S-5188

- 1 Amend House File 2264, as passed by the House, as
- 2 follows:
- 3 1. Page 4, lines 2 and 3, by striking the words
- 4 "the possible detrimental psychological effects of
- 5 abortion,".

By PATRICIA HARPER

S-5188 FILED MARCH 18, 2002

W/D 3/20/02

HOUSE FILE 2264

S-5231

- 1 Amend House File 2264, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking line 3 and inserting the
- 4 following: "'Harassment of Abortion Providers' Act".
- 5 2. Title page, line 1, by striking the words
- 6 "informed consent to an abortion" and inserting the
- 7 following: "harassment of abortion providers".

By JOHNIE HAMMOND

S-5231 FILED MARCH 20, 2002

WITHDRAWN *3/20/02*

HOUSE FILE 2264**S-5227**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, line 8, by striking the word
4 "putative".
5 2. Page 2, line 11, by striking the word
6 "putative".

By JOHNIE HAMMOND

S-5227 FILED MARCH 20, 2002
WITHDRAWN

HOUSE FILE 2264**S-5228**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, line 12, by inserting after the word
4 "abortion" the following: ", and information
5 regarding the costs associated with raising a child to
6 the age of majority if the putative father does not
7 provide financial support for the child".

By JOHNIE HAMMOND

S-5228 FILED MARCH 20, 2002
WITHDRAWN

HOUSE FILE 2264**S-5229**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 3 and inserting the
4 following: "'Physicians' Criminalization Act".
5 2. Title page, line 1, by striking the words
6 "informed consent to" and inserting the following:
7 "physician criminalization for".

By JOHNIE HAMMOND

S-5229 FILED MARCH 20, 2002
WITHDRAWN

HOUSE FILE 2264**S-5230**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 12 the
4 following:
5 "____. Information concerning accepted medical
6 procedures for postcoital emergency contraception and
7 medications approved by the United States food and
8 drug administration for use as postcoital emergency
9 contraception."
10 2. By renumbering as necessary.

By JOHNIE HAMMOND

S-5230 FILED MARCH 20, 2002
WITHDRAWN 3/20/02

HOUSE FILE 2264

H-8141

1 Amend House File 2264 as follows:
2 1. Page 5, by striking lines 30 and 31, and
3 inserting the following:
4 "Sec. 100. APPROPRIATION -- IOWA DEPARTMENT OF
5 PUBLIC HEALTH -- PREGNANCY PREVENTION GRANTS. There
6 is appropriated from the general fund of the state to
7 the Iowa department of public health for the fiscal
8 year beginning July 1, 2002, and ending June 30, 2003,
9 the following amount, or so much thereof as is
10 necessary, to be used for the purpose designated:

11 For abstinence-based adolescent pregnancy
12 prevention project grants:

13 \$ 96,000

14 Sec. 101. EFFECTIVE DATE -- CONTINGENCY. This Act
15 takes effect October 1, 2002, only if section 100 of
16 this Act is enacted prior to that date and only if
17 funding is appropriated and available to the
18 department of public health in a sufficient amount to
19 cover the costs of the development, printing,
20 reprinting, and mailing of required materials, and the
21 costs of staffing resources associated with this Act
22 prior to that date."

23 2. Title page, by striking line 2, and inserting
24 the following: "a criminal penalty, providing an
25 appropriation, and providing a contingent effective
26 date."

By KREIMAN of Davis

H-8141 FILED MARCH 1, 2002

Ruled Not Germane 3/4/02

HOUSE FILE 2264

H-8142

1 Amend House File 2264 as follows:
2 1. Page 5, by striking lines 3 through 29.
3 2. Title page, line 2, by striking the words "a
4 criminal penalty, and providing".

By GRUNDBERG of Polk

H-8142 FILED MARCH 1, 2002

W/D 3/4/02

HOUSE FILE 2264

H-8156

1 Amend House File 2264 as follows:
2 1. Page 4, by inserting after line 5, the
3 following:
4 "(4) Information encouraging abstinence and
5 contraception use for protection from further unwanted
6 pregnancies and sexually transmitted diseases,
7 including information regarding the protection failure
8 rates listed by the centers for disease control and
9 prevention of the United States department of health
10 and human services."

11 2. By renumbering as necessary.

By BOAL of Polk

H-8156 FILED MARCH 4, 2002

o/o 3/4/02

Legislative Fiscal Bureau

Fiscal Note

HF 2264 - Woman's Right to Know (LSB 5423 YH)

Analyst: Russ Trimble (Phone: (515) 281-4613) (Russ.Trimble@legis.state.ia.us)

Fiscal Note Version - New

Requested by Representative Mary Mascher

Description

House File 2264 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 or make available certain information relating to options for managing a pregnancy. The Bill also provides penalties.

Assumptions

1. The number of providers (physicians or physician's agents) would range from 7,000 – 10,000.
2. The Department of Public Health would incur 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 require \$44,000 and 1.0 FTE position for a program planner to help develop and administer the Program.
7. The Bill does not require the Department to publish materials to the Internet, therefore, no associated costs have been included in the estimate. The estimated cost for publishing and maintaining the specified materials on the Internet would be approximately \$9,000 annually.
8. 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 Public Health to use a 1-800 number; therefore, no associated costs have been included in the estimate.
9. 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 HF 2264.

Fiscal Impact

House File 2264 would result in an annual cost to the General Fund of \$96,000.

	<u>Annual Cost</u>
Department of Health	
Patient Certification Forms	\$ 3,000
Geographically-Indexed Materials	9,000
Printing	21,000
Mailing	19,000
Staff Support	44,000
Total Department of Health	<u>\$ 96,000</u>
Judicial Department	<u>Unknown</u>
Total General Fund	<u>\$ 96,000</u>

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

Sources

Department of Public Health
Judicial Department
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/s/ Dennis C Prouty

February 20, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE FILE 2264**S-5196**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 12 the
4 following:
5 "____. Information that contraceptives are
6 available to the woman and that medical assistance
7 benefits may be available to the woman for coverage of
8 the costs of contraceptives."
9 2. By renumbering as necessary.

By PATRICIA HARPER

S-5196 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5197**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, line 34, by striking the word "shall"
4 and inserting the following: "may".
5 2. Page 2, line 13, by striking the words "has
6 the right to" and inserting the following: "may, upon
7 request,".
8 3. Page 2, line 15, by striking the words "of the
9 woman's right to" and inserting the following: "that
10 the woman may".
11 4. Page 4, by striking lines 8 and 9, and
12 inserting the following: "information pursuant to
13 subsection 2 was provided to the woman, upon the
14 woman's request. The physician shall retain a copy of
15 the".
16 5. Page 5, by striking lines 13 and 14, and
17 inserting the following: "the woman requests that the
18 physician or the physician's agent provide the
19 information to the woman."

By ROBERT E. DVORSKY

S-5197 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5198**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 12, the
4 following:
5 "____. Information that medical assistance benefits
6 may be available to the woman for an abortion under
7 certain circumstances."
8 2. By renumbering, redesignating, and correcting
9 internal references as necessary.

By ROBERT E. DVORSKY

S-5198 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5192**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 3 and inserting the
4 following: ""State Mandated Information Act".
5 2. Title page, line 1, by striking the words
6 "informed consent to" and inserting the following:
7 "state mandated information for".

By PATRICIA HARPER

S-5192 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5193**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. By striking page 1, line 3, and inserting the
4 following: ""State Mandated Information for Abortion
5 Act".
6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "state mandated information for".

By PATRICIA HARPER

S-5193 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5194**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 3 and inserting the
4 following: ""Woman's Right to Know Selective
5 Information Act".
6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "mandating a woman to know and receive selected
9 information for".

By PATRICIA HARPER

S-5194 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5195**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 3, line 6, by inserting after the word
4 "including" the following: "provisions regarding the
5 surrendering of a newborn infant and".

By PATRICIA HARPER

S-5195 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264

S-5206

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Title page, by striking lines 1 and 2 and
4 inserting the following: "An Act relating to state
5 mandated information relating to an abortion,
6 providing criminal penalties, and providing an
7 effective date."

By JACK HOLVECK

S-5206 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264

S-5209

1 Amend House File 2264 as passed by the House, as
2 follows:
3 1. Page 5, by striking lines 3 through 14.
4 2. Page 5, line 16, by striking the word "COURT".
5 3. Page 5, line 17, by striking the word
6 "criminal".
7 4. Page 5, line 18, by striking the word "court".
8 5. Page 5, line 19, by striking the word "court".
9 6. Page 5, by striking lines 21 and 22 and
10 inserting the following: "confidential and shall be
11 sealed. Individuals shall be excluded from the
12 proceedings to".
13 7. Page 5, line 26, by striking the word
14 "defendant" and inserting the following:
15 "respondent".
16 8. Page 5, line 28, by striking the word "court".
17 9. By renumbering as necessary.

By JACK HOLVECK

S-5209 FILED MARCH 19, 2002

*W/D
3/20/02*

HOUSE FILE 2264**S-5199**

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. By striking page 3, line 21, through page 4,
4 line 5.
5 2. By renumbering as necessary.

By ROBERT E. DVORSKY

S-5199 FILED MARCH 19, 2002

W/D

3/20/02

HOUSE FILE 2264**S-5200**

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 3, line 13, by striking the word
4 "orally," and inserting the following: "from a live
5 person any relevant information, including but not
6 limited to".

By ROBERT E. DVORSKY

S-5200 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5201**

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, line 35, by inserting after the words
4 "by telephone," the following: "by electronic mail,".

By ROBERT E. DVORSKY

S-5201 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5205**

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 4, by inserting after 5, the 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, the American medical
9 association, or the centers for disease control and
10 prevention of the United States department of health
11 and human services."
12 2. By renumbering as necessary.

By JACK HOLVECK

S-5205 FILED MARCH 19, 2002

W/D
3/20/02

HOUSE FILE 2264**S-5212**

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, line 18, by inserting after the word
4 "abortion" the following: "to avert the endangerment
5 of the pregnant woman's health or".
6 2. Page 4, line 34, by inserting after the word
7 "necessary" the following: "to avert the endangerment
8 of the woman's health or".

By JOE BOLKCOM

S-5212 FILED MARCH 19, 2002

W/D 3/20/02 **HOUSE FILE 2264**

S-5213

1 Amend House File 2264, as passed by the House, as
2 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 5, by striking lines 1 and 2 and
7 inserting the following: "abortion will create a
8 serious health risk."

By JOE BOLKCOM

S-5213 FILED MARCH 19, 2002

W/D 3/20/02 **HOUSE FILE 2264**

S-5216

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, lines 34 and 35, by striking the words
4 "unborn child" and inserting the following: "fetus".
5 2. Page 3, lines 22 and 23, by striking the words
6 "unborn child" and inserting the following: "fetus".
7 3. Page 3, line 27 by striking the words "unborn
8 child" and inserting the following: "fetus".
9 4. Page 3, line 28, by striking the words "unborn
10 child" and inserting the following: "fetus".
11 5. Page 3, line 30, by striking the words
12 "unborn child" and inserting the following: "fetus".
13 6. Page 3, line 34 by striking the words "unborn
14 child" and inserting the following: "fetus".
15 7. Page 4, lines 4 and 5, by striking the words
16 "unborn child" and inserting the following: "fetus".

By MARK SHEARER

S-5216 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5210**

1 Amend House File 2264, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 25, the
4 following:

5 "Sec. ____ . NEW SECTION. 146A.2A MANDATORY
6 INFORMATION -- REPRODUCTIVE HEALTH SERVICES.

7 An individual seeking reproductive health services
8 in this state shall be provided with all of the
9 following information:

10 1. The policy or practice of the hospital,
11 ambulatory treatment center, or other person from whom
12 the individual is seeking reproductive health services
13 relating to any restrictions in the provision of
14 services regarding contraceptive services including
15 but not limited to emergency contraception, surgical
16 sterilization, infertility treatments, and abortions.

17 2. The policy or practice of the physician or
18 other licensed practitioner from whom the individual
19 is seeking reproductive health services relating to
20 any restrictions in the provision of services
21 regarding contraceptive services including but not
22 limited to emergency contraception, surgical
23 sterilization, infertility treatments, and abortions."

24 2. Title page, line 1, by inserting after the
25 words "relating to" the following: "reproductive
26 health including the provision of information
27 regarding the reproductive health services provided by
28 a specific person and including".

29 3. By renumbering as necessary.

By JOE BOLKCOM

S-5210 FILED MARCH 19, 2002

W/D 3/20/02

HOUSE FILE 2264**S-5211**

1 Amend House File 2264, as passed by the House, as
2 follows:

3 1. Page 5, line 30, by inserting after the word
4 "DATE" the following: "-- CONTINGENCY".

5 2. Page 5, line 31, by inserting after the figure
6 "2002" the following: ", only if the general assembly
7 appropriates and the governor approves funding
8 specifically for the purpose of providing the written
9 information and acquiring the data required under this
10 Act".

11 3. Title page, line 2, by striking the word "an"
12 and inserting the following: "a contingent".

By JOE BOLKCOM

S-5211 FILED MARCH 19, 2002

*W/D
3/20/02*

HOUSE FILE 2264

S-5219

1 Amend House File 2264, as passed by the House, as
2 follows:

3 1. Page 2, line 13, by striking the word "review"
4 and inserting the following: "be offered".

5 2. Page 2, line 15, by striking the word "review"
6 and inserting the following: "be offered".

7 3. Page 5, line 14, by striking the word "review"
8 and inserting the following: "be offered".

By MARK SHEARER

S-5219 FILED MARCH 19, 2002

W/D

3/20/02

HOUSE FILE 2264**S-5217**

1 Amend House File 2264, as passed by the House, as
2 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. Written consent shall be obtained prior to the
8 performance of any medical or surgical procedure or
9 course of procedures related to patient care.

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

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

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

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

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

By MARK SHEARER

S-5217 FILED MARCH 19, 2002

W/D

HOUSE FILE 2264**S-5218**

1 Amend House File 2264, as passed by the House, as
2 follows:

3 1. Page 1, by striking line 3, and inserting the
4 following: "'Lesser Standard of Informed Consent for
5 Abortions Act'."

6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "the lesser standard of informed consent for".

By MARK SHEARER

S-5218 FILED MARCH 19, 2002

W/D
3/20/02



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

March 29, 2002

RECEIVED
APR 01 2002
LEGISLATIVE SERVICE
BUREAU

Brent Siegrist
Speaker of the House
State Capitol Building
LOCAL

Dear Speaker Siegrist:

I hereby transmit House File 2264, an act relating to informed consent provisions relating to an abortion and providing criminal penalties, and providing an effective date.

House File 2264 provides that an abortion shall be prohibited without the "voluntary and informed consent" of the woman seeking the procedure. There has been an ongoing discussion in this state about the level of communication that takes place between medical professionals and women seeking abortion services. A number of Iowans believe that women who seek abortion services in this state do not receive sufficient information to make an informed decision about whether to terminate their pregnancies. Given this concern, I have directed the Iowa Department of Public Health to take all appropriate steps to ensure that Iowans confronted with this difficult choice are given access, at their option, to a full range of medically-accurate and comprehensive information. Furthermore, I have directed the Department to take appropriate steps to ensure that Iowans have access to information that also promotes quality pre-natal and neo-natal care, and encourages the use of family support services at every stage of pregnancy and family development. I believe my directive will make available more medically-accurate and comprehensive information than House File 2264 would have required without criminalizing the actions of doctors.

Given the current laws in Iowa and the now heightened level of information that will be made available to women pursuant to my directive to the Iowa Department of Public Health, I conclude that House File 2264 is unnecessary. For these reasons, I hereby respectfully disapprove this bill.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House



VETOED

HOUSE FILE 2264

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 the time the woman initially
contacts the physician's private office or a facility that
provides abortions to inquire about or to schedule an
appointment for an 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 the woman has the right to review the
printed materials described in subsection 3.

3. a. After being informed of the woman's right to review
printed materials pursuant to subsection 2, if the woman
wishes to review the materials, all of the following shall
apply:

(1) If the department establishes an internet site, the
woman shall be informed that the materials are available
through a state-sponsored internet site and shall be informed
of the internet site address.

(2) If the woman initially contacts the physician's
private office or a facility that provides abortions in
person, the materials shall be provided to the woman at that
time.

(3) If the woman initially contacts the physician's private office or a facility that provides abortions by telephone and wishes to review the materials, the materials 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.

(4) The woman shall be informed that the materials have been provided by the state and that they describe the unborn child and list agencies that offer alternatives to abortion.

b. The printed materials shall include all of the following:

(1) 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, orally, a list and description of agencies in the locality of the caller and of the services offered.

(2) 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.

(3) 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. A physician shall not perform an abortion on a woman unless the physician obtains written certification that the information required pursuant to subsection 2 was provided to the woman. The physician shall retain a copy of the certification and shall provide a copy of the certification to the woman.

5. a. By October 1, 2002, the department shall cause the information described 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.

b. The department may establish and maintain an internet site to provide the information described in subsection 2. The internet site shall provide for confidentiality of individuals who access the site and no information identifying the individual shall be collected or maintained. The department shall monitor the internet site to ensure that the site is secure and to prevent and correct any tampering with the site.

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 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, 2002.

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 2264, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Vetoed
Approved March 29, 2002

THOMAS J. VILSACK
Governor