

MAR 15 2005  
Place On Calendar

HOUSE FILE 787  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 253)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to information to be reported regarding an  
2 induced termination of pregnancy performed on a minor, and  
3 making penalties applicable.

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

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HF 787

1 Section 1. Section 144.29A, subsection 1, Code 2005, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. 1. If the termination is induced and if  
4 the patient is a minor, the following, as applicable:

5 (1) If notification was provided to a parent of the minor.

6 (2) If the minor obtained a waiver of the notification  
7 requirement from the juvenile court.

8 (3) If the requirement of notification of a parent was  
9 inapplicable and the reason that the requirement was  
10 inapplicable as specified in section 135L.3, subsection 3,  
11 paragraph "m".

12 Sec. 2. Section 144.29A, subsection 2, unnumbered  
13 paragraph 1, Code 2005, is amended to read as follows:

14 It is the intent of the general assembly that the  
15 information shall be collected, reproduced, released, and  
16 disclosed in a manner specified by rule of the department,  
17 adopted pursuant to chapter 17A, which ensures the anonymity  
18 of the patient who experiences a termination of pregnancy, the  
19 health care provider who identifies and diagnoses or induces a  
20 termination of pregnancy, ~~and~~ the hospital, clinic, or other  
21 health facility in which a termination of pregnancy is  
22 identified and diagnosed or induced, and any employee or  
23 officer of the court or a county attorney's office who  
24 facilitates a waiver of the notification requirement pursuant  
25 to section 135L.3. The department may share information with  
26 federal public health officials for the purposes of securing  
27 federal funding or conducting public health research.  
28 However, in sharing the information, the department shall not  
29 relinquish control of the information, and any agreement  
30 entered into by the department with federal public health  
31 officials to share information shall prohibit the use,  
32 reproduction, release, or disclosure of the information by  
33 federal public health officials in a manner which violates  
34 this section. The department shall publish, annually, a  
35 demographic summary of the information obtained pursuant to

1 this section, except that the department shall not reproduce,  
2 release, or disclose any information obtained pursuant to this  
3 section which reveals the identity of any patient, health care  
4 provider, hospital, clinic, or other health facility, and  
5 shall ensure anonymity in the following ways:

6 Sec. 3. Section 144.29A, subsection 2, paragraphs b and c,  
7 Code 2005, are amended to read as follows:

8 b. The department shall enter the information, from any  
9 report of termination submitted, within thirty days of receipt  
10 of the report, and shall immediately destroy the report  
11 following entry of the information. However, entry of the  
12 information from a report shall not include any health care  
13 provider, hospital, clinic, or other health facility  
14 identification information including, but not limited to, the  
15 confidential health care provider code, as assigned by the  
16 department and shall not identify any employee or officer of  
17 the court or a county attorney's office who facilitates a  
18 waiver of the notification requirement pursuant to section  
19 135L.3.

20 c. To protect confidentiality, the department shall limit  
21 release of information to release in an aggregate form which  
22 prevents identification of any individual patient, health care  
23 provider, hospital, clinic, or other health facility, or of  
24 any employee or officer of the court or a county attorney's  
25 office who facilitates a waiver of the notification  
26 requirement pursuant to section 135L.3. Information relating  
27 to a minor collected as prescribed by subsection 1, paragraph  
28 "1", shall not be released in a manner that identifies the  
29 maternal health services region of the Iowa department of  
30 public health in which the minor resides, but shall only be  
31 released on a statewide, aggregate basis. For the purposes of  
32 this paragraph, "aggregate form" means a compilation of the  
33 information received by the department on termination of  
34 pregnancies for each information item listed, with the  
35 exceptions of the report tracking number, the health care

1 provider code, and any set of information for which the amount  
2 is so small that the confidentiality of any person to whom the  
3 information relates may be compromised. The department shall  
4 establish a methodology to provide a statistically verifiable  
5 basis for any determination of the correct amount at which  
6 information may be released so that the confidentiality of any  
7 person is not compromised.

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EXPLANATION

9 This bill requires a health care provider who induces a  
10 termination of pregnancy when the patient is a minor to report  
11 if notification was provided to a parent of the minor, if the  
12 minor obtained a waiver of the notification requirement from  
13 the juvenile court, or if the requirement of notification of a  
14 parent was inapplicable and the reason that the requirement  
15 was inapplicable.

16 The bill also provides that the manner in which information  
17 is collected, reproduced, released, and disclosed is to ensure  
18 the anonymity of any employee or officer of the court or a  
19 county attorney's office who facilitates a waiver of  
20 notification requirement relative to a minor seeking an  
21 abortion; that information from termination of pregnancy  
22 reports is to not identify any employee or officer of the  
23 court or a county attorney's office who facilitates a waiver  
24 of notification requirement relative to a minor seeking an  
25 abortion; and that release of information relating to the  
26 termination of pregnancy reports is to be made in an aggregate  
27 form to prevent the identification of any employee or officer  
28 of the court or a county attorney's office who facilitates a  
29 waiver of notification requirement relative to a minor seeking  
30 an abortion. Specifically release of information relating to  
31 a minor as required in the bill is prohibited from being  
32 released in a manner that identifies the maternal health  
33 services region of the Iowa department of public health in  
34 which the minor resides, but is only to be released on a  
35 statewide, aggregate basis.

1 Existing provisions under Code chapter 144 provide that a  
2 person is guilty of a serious misdemeanor if the person  
3 knowingly violates a provision of Code section 144.29A, the  
4 termination of pregnancy reporting section.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 787 - Abortion Parental Notification Statistics (LSB 3124 HV)  
Analyst: Lisa Burk (Phone: (515) 281-7942) (lisa.burk@legis.state.ia.us)  
Fiscal Note Version - New

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**Description**

House File 787 adds a new section to the reporting requirements for a termination of pregnancy. The Bill requires health care providers who induce a termination of pregnancy on a minor to report to the Department of Public Health if notification was provided to the parent, if the minor obtained a waiver of the notification requirement from the juvenile court, or if the notification requirement of a parent was inapplicable and the reason it was inapplicable. A provider who knowingly does not comply with this reporting requirement would be guilty of a serious misdemeanor under existing provisions in the Code of Iowa.

**Background**

There are 13,000 physicians that report information to the Department of Public Health. In Calendar Year 2002, there were 447 induced terminations of pregnancy on minors reported to the Department.

**Assumptions**

1. It is unknown how many reports the Department of Public Health will receive from providers.
2. It is estimated there will be increased costs for the Department of Public Health associated with the modification of reporting forms; notifying providers of the change; data entry and programming, printing, and mailing of forms; and production of the annual report.
3. The average State cost for one serious misdemeanor conviction ranges from \$100 to \$4,100. The maximum costs will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community.

**Correctional Impact**

There have been no convictions for failure to provide information required in any reporting requirement of vital events, including termination of pregnancy reporting; therefore, it is not anticipated that the addition of this requirement would result in any violations, charges, or convictions.

**Fiscal Impact**

The fiscal impact of HF 787 is expected to be minimal. The annual cost to the Department of Public Health will be an estimated increase in State General Fund expenditures of \$26,000 and 0.35 FTE position.

**Sources**

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

Dennis C. Prouty

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March 21, 2005

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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 Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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HOUSE FILE 787

S-3135

1 Amend House File 787, as passed by the House, as  
2 follows:

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

5 "Section 1. Section 135L.3, Code 2005, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. The court shall report to the  
8 Iowa department of public health, on an annual basis,  
9 the number of each of the following actions by the  
10 court:

11 a. The number of waivers of the notification  
12 requirement granted by the court.

13 b. The number of waivers of the notification  
14 requirement denied by the court."

15 2. Page 3, by inserting after line 7, the  
16 following:

17 "Sec. \_\_\_\_ . NEW SECTION. 144.29B REPORT BY COURT  
18 OF ACTIONS RELATING TO WAIVER REQUIREMENT.

19 The department shall collect the information  
20 reported annually by the courts pursuant to section  
21 135L.3 and shall incorporate the information collected  
22 into the termination of pregnancy reporting activities  
23 subject to the provisions of section 144.29A."

24 3. By renumbering as necessary.

By DAVID JOHNSON

S-3135 FILED APRIL 18, 2005

HOUSE FILE 787

S-3131

1 Amend House File 787, as passed by the House, as  
2 follows:

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

5 "Section 1. Section 135L.3, Code 2005, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. The court shall report to the  
8 Iowa department of public health, on an annual basis,  
9 the number of each of the following actions by the  
10 court:

11 a. The number of waivers of the notification  
12 requirement granted by the court.

13 b. The number of waivers of the notification  
14 requirement denied by the court."

15 2. By renumbering as necessary.

By DAVID JOHNSON

S-3131 FILED APRIL 18, 2005

HOUSE FILE 787

S-3128

1 Amend House File 787, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 135L.3, Code 2005, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 4. The court shall report to the  
8 Iowa department of public health, on an annual basis,  
9 the number of each of the following actions by the  
10 court:  
11 a. The number of waivers of the notification  
12 requirement granted by the court.  
13 b. The number of waivers of the notification  
14 requirement denied by the court."  
15 2. Page 1, line 23, by striking the words "or a  
16 county attorney's office".  
17 3. Page 2, line 17, by striking the words "or a  
18 county attorney's office".  
19 4. Page 2, lines 24 and 25, by striking the words  
20 "or a county attorney's office".  
21 5. By renumbering as necessary.

By DAVID JOHNSON

S-3128 FILED APRIL 14, 2005

*Dukan  
Roberts  
Hunter*

5. 0787

HSB 253  
HUMAN RESOURCES

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON UPMEYER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to information to be reported regarding an  
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7 requirement from the juvenile court.

8 (3) If the requirement of notification of a parent was  
9 inapplicable and the reason that the requirement was  
10 inapplicable as specified in section 135L.3, subsection 3,  
11 paragraph "m".

12 EXPLANATION

13 This bill requires a health care provider who induces a  
14 termination of pregnancy when the patient is a minor to report  
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16 minor obtained a waiver of the notification requirement from  
17 the juvenile court, or if the requirement of notification of a  
18 parent was inapplicable and the reason that the requirement  
19 was inapplicable.

20 Existing provisions under Code chapter 144 provide that a  
21 person is guilty of a serious misdemeanor if the person  
22 knowingly violates a provision of Code section 144.29A, the  
23 termination of pregnancy reporting section.

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