

Senate File 359

1 Amend Senate File 359, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I  
4 FETAL BODY PARTS>

5 2. Page 1, line 1, by striking <146B.1> and inserting  
6 <146D.1>

7 3. Page 2, after line 4 by inserting:

8 <DIVISION \_\_\_\_  
9 ABORTION PROHIBITIONS — FETAL HEARTBEAT

10 Sec. \_\_\_\_\_. Section 146A.1, subsections 2 and 6, Code 2018,  
11 are amended to read as follows:

12 2. Compliance with the prerequisites of this section shall  
13 not apply to ~~any of the following:~~

14 ~~a. An abortion performed to save the life of a pregnant  
15 woman.~~

16 ~~b. An an abortion performed in a medical emergency.~~

17 ~~c. The performance of a medical procedure by a physician  
18 that in the physician's reasonable medical judgment is designed  
19 to or intended to prevent the death or to preserve the life of  
20 the pregnant woman.~~

21 6. As used in this section, ~~"unborn child":~~

22 a. "Medical emergency" means a situation in which an  
23 abortion is performed to preserve the life of the pregnant  
24 woman whose life is endangered by a physical disorder, physical  
25 illness, or physical injury, including a life-endangering  
26 physical condition caused by or arising from the pregnancy, but  
27 not including psychological conditions, emotional conditions,  
28 familial conditions, or the woman's age.

29 b. "Unborn child" means an individual organism of the  
30 species homo sapiens from fertilization to live birth.

31 Sec. \_\_\_\_\_. NEW SECTION. 146C.1 Definitions.

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

34 1. *"Abortion"* means the termination of a human pregnancy  
35 with the intent other than to produce a live birth or to remove

1 a dead fetus.

2 2. "*Fetal heartbeat*" means cardiac activity, the steady and  
3 repetitive rhythmic contraction of the fetal heart within the  
4 gestational sac.

5 3. "*Medical emergency*" means the same as defined in section  
6 146A.1.

7 4. "*Physician*" means a person licensed under chapter 148.

8 5. "*Reasonable medical judgment*" means a medical judgment  
9 made by a reasonably prudent physician who is knowledgeable  
10 about the case and the treatment possibilities with respect to  
11 the medical conditions involved.

12 6. "*Unborn child*" means the same as defined in section  
13 146A.1.

14 Sec. \_\_\_\_\_. NEW SECTION. 146C.2 **Abortion prohibited —**  
15 **detectable fetal heartbeat.**

16 1. Except in the case of a medical emergency, a physician  
17 shall not perform an abortion unless the physician has first  
18 complied with the prerequisites of chapter 146A and has  
19 tested the pregnant woman as specified in this subsection, to  
20 determine if a fetal heartbeat is detectable.

21 a. In testing for a detectable fetal heartbeat, the  
22 physician shall perform an abdominal ultrasound, necessary to  
23 detect a fetal heartbeat according to standard medical practice  
24 and including the use of medical devices, as determined by  
25 standard medical practice and specified by rule of the board  
26 of medicine.

27 b. Following the testing of the pregnant woman for a  
28 detectable fetal heartbeat, the physician shall inform the  
29 pregnant woman, in writing, of all of the following:

30 (1) Whether a fetal heartbeat was detected.

31 (2) That if a fetal heartbeat was detected, an abortion is  
32 prohibited.

33 c. Upon receipt of the written information, the pregnant  
34 woman shall sign a form acknowledging that the pregnant woman  
35 has received the information as required under this subsection.

1 2. A physician shall not perform an abortion upon a pregnant  
2 woman when it has been determined that the unborn child has  
3 a detectable fetal heartbeat, unless, in the physician's  
4 reasonable medical judgment, a medical emergency exists.

5 3. A physician shall retain in the woman's medical record  
6 all of the following:

7 a. Documentation of the testing for a fetal heartbeat  
8 as specified in subsection 1 and the results of the fetal  
9 heartbeat test.

10 b. The pregnant woman's signed form acknowledging that  
11 the pregnant woman received the information as required under  
12 subsection 1.

13 4. This section shall not be construed to impose civil  
14 or criminal liability on a woman upon whom an abortion is  
15 performed in violation of this section.

16 5. The board of medicine shall adopt rules pursuant to  
17 chapter 17A to administer this section.>

18 4. Title page, line 1, by striking <certain actions  
19 regarding fetal body parts> and inserting <and requiring  
20 certain actions relating to a fetus>

21 5. By renumbering as necessary.

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PROPOSED COMMITTEE AMENDMENT