



IOWA HOUSE DEMOCRATS

BILL and AMENDMENT SUMMARY

Fetal Tissue SF 359

Status of Bill: House Calendar

Committee: Human Resources (12-9), Senate (43-6)

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Lead Democrat: Rep. Wessel-Kroeschell

Floor Manager: Rep. Lundgren

Background

This bill was introduced in response to the Center for Medical Progress' video that claimed to show staff from Planned Parenthood selling aborted fetal body parts for monetary gain. However, these videos were proven to be heavily edited and misrepresented the truth. Seven states, including neighboring Nebraska, have cleared Planned Parenthood of any wrongdoing supposedly shown in these videos.

Research that has used fetal tissue has led to several medical advancements including the following vaccines: polio, shingles, rubella, adenovirus, hepatitis, rabies and chicken pox. Currently, these cells are being used to find treatment for medical conditions such as diabetes, Parkinson's disease, Alzheimer's, heart disease and leukemia.

Finally, federal law already regulates fetal tissue donation by banning any organization from donating fetal tissue for profit.

Summary

Senate File 359 prohibits a person from knowingly acquiring, providing, receiving, transferring, or using a fetal body part in Iowa, regardless if it is for valuable consideration. The following are exempt from the ban:

- Diagnostic or remedial tests, procedures, or observations which have the sole purpose of determining the life or health of the fetus in order to provide that information to the pregnant woman or to preserve the life or health of the fetus or pregnant woman.
- The actions of a person taken in the furtherance of the final disposition of a fetal body part.
- The pathological study of body tissue, including genetic testing, for diagnostic or forensic purposes.
- A fetal body part if the fetal body results from a spontaneous termination of pregnancy or stillbirth and is willingly donated for the purpose of medical research.

A person who violates this ban is guilty of a Class C felony. **Fetal body part** is defined as a cell, tissue, organ, or other part of a fetus that is terminated by an abortion. **Fetal body part** does not include cultured cells or cell lines obtain from a miscarriage or stillbirth and willingly donated for the purposes of medical research, or a cell, tissue, organ, or other part of a fetus that is terminated by an abortion that occurred prior to January 1, 2017.

This bill passed out of the Senate last year 43-6.

Amendments

H-8269 Committee Amendment-Six Week Abortion Ban

First, this amendment creates two divisions. The first division is the fetal tissue bill, but the effective date is changed from January 1, 2017 to July 1, 2018. This allows for donation of tissue derived from abortion until July 1.

The second division adds language from the six week abortion ban bill, SF 2281 that passed out of the Senate this year 30-20. However, this amendment leaves out two parts of SF 2281- doctor penalty language and the repeal of the 20 week ban that was passed last year.

The amendment essentially bans abortions after 6 weeks, the time that a heartbeat is usually detected. However, women rarely know they are pregnant that early, so it can be argued that this is almost a total ban on abortions in Iowa.

The only exception to this is the health of the mother, but the definition of “medical emergency” in the bill is very narrow and does not include future health of the mother. There are no exceptions for age of the mother, rape or incest.

This bill is a clear violation of Roe v. Wade, and if passed, it will most likely go straight to the Courts.

H-8296 to H-8269 by Wessel-Kroeschell of Story

Strike-after secondary amendment that takes out Code chapter 146A.1, 146B, and Chapter 108 (sections 5, 6, and 7) of the 2017 Iowa Acts. This takes the law back to what it was prior to the 20-week ban.

H-8441 to H-8269 by Lundgren of Dubuque (we believe this will become the bill)

Strike-after secondary amendment that also creates two divisions. The first division is still the fetal tissue bill, but adds all cells and tissues external to the fetal body proper (cord blood) as an exception to the fetal body parts division. This language was requested by the University of Iowa.

The second division is the six week ban. The definition of “medical emergency” is changed to preserving the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury. This definition does not include:

- Psychological condition of the mother.
- Emotional condition of the mother.
- Familial conditions.
- Woman’s age.
- Serious risk of the future health of the mother.

The second division also adds a definition of “medically necessary.” The term medically necessary includes:

- The pregnancy is the result of rape (IF reported within 45 days of the incident to law enforcement or a family physician).
- The pregnancy is the result of incest (IF reported within 140 days of the incident to law enforcement or a family physician).
- Miscarriage.
- Fetal abnormality (IF it is in the physician’s reasonable medical judgement that the fetus is incompatible with life).

The amendment states that abortion is prohibited if there is a detectable heartbeat except in cases of a medical emergency or is medically necessary. Again, this does not take into account

psychological conditions, emotional conditions, familial conditions, the woman's age, or the future health of the mother.

This amendment also adds a section that states this law will not apply if a physician determines the postfertilization age of the fetus is 20 weeks or more. If this occurs, the 20 week law passed in 2017 will apply except in cases necessary to preserve the life of an unborn child or if it deemed a medical emergency. However, medical emergency is defined different in the 20 week ban and includes the future health of the mother.

The amendment does not address physician penalties, but does have a section stating that a woman upon whom an abortion is performed is not subject to civil or criminal liability.

H-8436 to H-8269 by Lundgren of Dubuque

Amendment will be withdrawn due to a drafting error.

H-8295 to SF 359 by Wessel-Kroeschell of Story

Strike-after amendment that puts the abortion law from 2017 back in the Iowa Code.

H-8300 to H-8295 by Wessel-Kroeschell of Story

Strike-after secondary amendment that takes out Code chapter 146A.1, 146B, and Chapter 108 (sections 5, 6, and 7) of the 2017 Iowa Acts.

H-8313 to SF 359 by Rizer of Linn

This amendment adds intent language that states that abortion carries significant physical and psychological risks to the pregnant woman, health risks of abortion in the second trimester are greater than the risks of carrying the pregnancy to term, and spells out all of the medical complications a woman can experience from abortion.

This amendment also:

- Bans abortions after 15 weeks.
- Adds future health of the woman to the definition of medical emergency and as an exception to this ban.
- Adds severe fetal abnormality as an exception to the ban.
- Adds a requirement that when a physician performs or attempts to perform an abortion, they have to report it to the Department of Public Health. The Department will then have to issue a public report on June 30 every year providing this statistics without identifying the women. Adds a civil penalty of \$500 if a doctor fails to report the information.
- Allows a woman or the parents/guardians of a woman (who is a minor) to sue the doctor that performed or attempted to perform an abortion on them. Does not allow the woman to be sued.
- Immediate effective date.
- Does not allow exceptions for rape, incest, or age of the mother.

H-8362 to H-8313 by Rizer of Linn

Strike-after secondary amendment that changes the date of Department of Public Health required annual report from June 30 to April 1.