Amend Senate File 471, as amended, passed, and reprinted by
the Senate, as follows:

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

Section 1. NEW SECTION. 146B.1 Definitions.
As used in this chapter, unless the context otherwise
requires:
1. "Abortion" means the termination of a human pregnancy
with the intent other than to produce a live birth or to remove
a dead fetus.
2. "Attempt to perform an abortion" means an act, or
an omission of a statutorily required act, that, under the
circumstances as the actor believes them to be, constitutes a
substantial step in a course of conduct planned to culminate in
the performing of an abortion.
3. "Department" means the department of public health.
4. "Fertilization" means the fusion of a human spermatozoon
with a human ovum.
5. "Major bodily function" includes but is not limited
to functions of the immune system, normal cell growth, and
digestive, bowel, bladder, neurological, brain, respiratory,
circulatory, endocrine, and reproductive functions.
6. "Medical emergency" means a situation in which an
abortion is performed to preserve the life of the pregnant
woman whose life is endangered by a physical disorder, physical
illness, or physical injury, including a life-endangering
physical condition caused by or arising from the pregnancy, or
when continuation of the pregnancy will create a serious risk
of substantial and irreversible impairment of a major bodily
function of the pregnant woman.
7. "Medical facility" means any public or private hospital,
clinic, center, medical school, medical training institution,
health care facility, physician's office, infirmary,
dispensary, ambulatory surgical center, or other institution or
location where medical care is provided to any person.
8. "Perform", "performed", or "performing", relative to an abortion, means the use of any means, including medical or surgical, to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus.


10. "Postfertilization age" means the age of the unborn child as calculated from fertilization.

11. "Probable postfertilization age" means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is to be performed.

12. "Reasonable medical judgment" means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

13. "Unborn child" means an individual organism of the species homo sapiens from fertilization until live birth.

Sec. 2. NEW SECTION. 146B.2 Determination of postfertilization age — abortion prohibited at twenty or more weeks postfertilization age — exceptions — reporting requirements — penalties.

1. Except in the case of a medical emergency, in addition to compliance with the prerequisites of chapter 146A, an abortion shall not be performed or be attempted to be performed unless the physician performing the abortion has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, a physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests the physician considers necessary in making a reasonable medical judgment to accurately determine the postfertilization age of the unborn child.

2. a. A physician shall not perform or attempt to perform
an abortion upon a pregnant woman when it has been determined,
by the physician performing the abortion or by another
physician upon whose determination that physician relies,
that the probable postfertilization age of the unborn child
is twenty or more weeks unless, in the physician's reasonable
medical judgment, any of the following applies:
(1) The pregnant woman has a condition which the physician
deems a medical emergency.
(2) The abortion is necessary to preserve the life of an
unborn child.

If an abortion is performed under this subsection, the
physician shall terminate the human pregnancy in the manner
which, in the physician's reasonable medical judgment, provides
the best opportunity for an unborn child to survive, unless, in
the physician's reasonable medical judgment, termination of the
human pregnancy in that manner would pose a greater risk than
any other available method of the death of the pregnant woman
or of the substantial and irreversible physical impairment of a
major bodily function. A greater risk shall not be deemed to
exist if it is based on a claim or diagnosis that the pregnant
woman will engage in conduct which would result in the pregnant
woman's death or in substantial and irreversible physical
impairment of a major bodily function.

A physician who performs or attempts to perform an
abortion shall report to the department, on a schedule and in
accordance with forms and rules adopted by the department, all
of the following:

a. If a determination of probable postfertilization age of
the unborn child was made, the probable postfertilization age
determined and the method and basis of the determination.
b. If a determination of probable postfertilization age of
the unborn child was not made, the basis of the determination
that a medical emergency existed.
c. If the probable postfertilization age of the unborn
child was determined to be twenty or more weeks, the basis of
the determination of a medical emergency, or the basis of the
determination that the abortion was necessary to preserve the
life of an unborn child.
d. The method used for the abortion and, in the case of
an abortion performed when the probable postfertilization age
was determined to be twenty or more weeks, whether the method
of abortion used was one that, in the physician’s reasonable
medical judgment, provided the best opportunity for an unborn
child to survive or, if such a method was not used, the basis
of the determination that termination of the human pregnancy
in that manner would pose a greater risk than would any other
available method of the death of the pregnant woman or of the
substantial and irreversible physical impairment of a major
bodily function.
4. a. By June 30, annually, the department shall issue a
public report providing statistics for the previous calendar
year, compiled from the reports for that year submitted in
accordance with subsection 3. The department shall ensure that
none of the information included in the public reports could
reasonably lead to the identification of any woman upon whom an
abortion was performed.
b. (1) A physician who fails to submit a report by the end
of thirty days following the due date shall be subject to a
late fee of five hundred dollars for each additional thirty-day
period or portion of a thirty-day period the report is overdue.
(2) A physician required to report in accordance with
subsection 3 who has not submitted a report or who has
submitted only an incomplete report more than one year
following the due date, may, in an action brought in the
manner in which actions are brought to enforce chapter 148,
be directed by a court of competent jurisdiction to submit a
complete report within a time period stated by court order or
be subject to contempt of court.
(3) A physician who intentionally or recklessly falsifies
a report required under this section is subject to a civil
penalty of one hundred dollars.

5. Any medical facility in which a physician is authorized to perform an abortion shall implement written medical policies and procedures consistent with the requirements and prohibitions of this chapter.

6. The department shall adopt rules to implement this section.

Sec. 3. NEW SECTION. 146B.3 Civil actions and penalties.

1. Failure of a physician to comply with any provision of section 146B.2, with the exception of the late filing of a report or failure to submit a complete report in compliance with a court order, is grounds for licensee discipline under chapter 148.

2. A woman upon whom an abortion has been performed in violation of this chapter may maintain an action against the physician who performed the abortion in intentional or reckless violation of this chapter for actual damages.

3. A woman upon whom an abortion has been attempted in violation of this chapter may maintain an action against the physician who attempted the abortion in intentional or reckless violation of this chapter for actual damages.

4. A cause of action for injunctive relief to prevent a physician from performing abortions may be maintained against a physician who has intentionally violated this chapter by the woman upon whom the abortion was performed or attempted, by a parent or guardian of the woman if the woman is less than eighteen years of age at the time the abortion was performed or attempted, by a current or former licensed health care provider of the woman, by a county attorney with appropriate jurisdiction, or by the attorney general.

5. If the plaintiff prevails in an action brought under this section, the plaintiff shall be entitled to an award for reasonable attorney fees.

6. If the defendant prevails in an action brought under this section and the court finds that the plaintiff's suit was
frivolous and brought in bad faith, the defendant shall be
entitled to an award for reasonable attorney fees.
7. Damages and attorney fees shall not be assessed against
the woman upon whom an abortion was performed or attempted
except as provided in subsection 6.
8. In a civil proceeding or action brought under this
chapter, the court shall rule whether the anonymity of any
woman upon whom an abortion has been performed or attempted
shall be preserved from public disclosure if the woman does not
provide consent to such disclosure. The court, upon motion
or on its own motion, shall make such a ruling and, upon
determining that the woman's anonymity should be preserved,
shall issue orders to the parties, witnesses, and counsel
and shall direct the sealing of the record and exclusion of
individuals from courtrooms or hearing rooms to the extent
necessary to safeguard the woman’s identity from public
disclosure. Each such order shall be accompanied by specific
written findings explaining why the anonymity of the woman
should be preserved from public disclosure, why the order is
essential to that end, how the order is narrowly tailored to
serve that interest, and why no reasonable less restrictive
alternative exists. In the absence of written consent of the
woman upon whom an abortion has been performed or attempted,
anyone, other than a public official, who brings an action
under this section shall do so under a pseudonym. This
subsection shall not be construed to conceal the identity
of the plaintiff or of witnesses from the defendant or from
attorneys for the defendant.
9. This chapter shall not be construed to impose civil
or criminal liability on a woman upon whom an abortion is
performed or attempted.

Sec. 4. NEW SECTION. 146B.4 Construction.
1. Nothing in this chapter shall be construed as creating or
recognizing a right to an abortion.
2. Nothing in this chapter shall be construed as determining
1 life to begin at twenty weeks' postfertilization. Instead, it
2 is recognized that life begins at fertilization.
3    Sec. 5. SEVERABILITY CLAUSE. If any provision of this Act
4 or its application to a person or circumstance is held invalid,
5 the invalidity does not affect other provisions of applications
6 of this Act which can be given effect without the invalid
7 provision or application, and to this end the provisions of
8 this Act are severable.>
9    2. Title page, by striking lines 1 and 2 and inserting
10 <An Act relating to prohibitions on abortion based on
11 postfertilization age, providing for licensee discipline, and
12 providing civil penalties.>