



Iowa | RANKING 24

Iowa maintains only minimal protections for women considering abortion. The Iowa Supreme Court has impeded the state Board of Medicine's ability to enforce regulations prohibiting the use of "telemedicine" for dangerous chemical abortions. Iowa allows cloning for biomedical research and destructive embryo research, while prohibiting cloning to produce children, making it a "clone-and-kill" state. Further, it does not prohibit fetal experimentation or promote ethical forms of research. After the Iowa Supreme Court struck down a law that would prohibit abortion after a fetal heartbeat is detected in 2018, Iowa legislators pursued passage of a constitutional amendment asserting the state constitution does not protect or create a right to abortion. Voters may see this amendment on the ballot in the coming years.

ABORTION

- The Iowa Supreme Court has found that "under the Iowa Constitution . . . implicitly in the concept of ordered liberty is the ability to decide whether to continue or terminate a pregnancy."
- Iowa prohibits abortions at or after 5 months (i.e., 20 weeks) on the basis of the pain felt by unborn children.
- Iowa passed legislation prohibiting abortion once there is a detectable heartbeat. The law is enjoined.
- Iowa requires that before performing the abortion, the physician receive written certification from the woman that an ultrasound was performed and she was given an opportunity to view the image, hear a description, and hear the heartbeat of her unborn child 24 hours prior to the abortion.
- A physician may not perform an abortion on an unmarried or never married minor under the age of 18 until at least 48 hours after written notice has been provided to a parent or grandparent. There are exceptions when the minor is the victim of rape, incest, or child abuse, there is a medical emergency, or a court order is issued.
- In 2002, Iowa issued the "Information, Not Criminalization" directive. The directive purportedly makes reproductive health information, including information on family planning, abortion, and adoption, available to a woman at her request. However, the information is not mandated, and there are no penalties for failure to supply the information or to otherwise provide access to the information.
- Only physicians licensed by the State of Iowa in medicine or osteopathy may perform abortions.
- Iowa has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions.
- The Iowa State Board of Medicine issued regulations requiring that a physician physically examine a woman and document (in her medical record) the age and location of the pregnancy prior to administering abortion-inducing drugs. The regulations also require the physician to be present when the drugs are dispensed. The regulations were challenged by Planned Parenthood and invalidated by the Iowa Supreme Court.

- Iowa taxpayers are required to pay for abortions for women eligible for state medical assistance if the continued pregnancy endangers the woman's life, the unborn child is physically deformed, mentally deficient, or afflicted with a congenital condition, or the pregnancy is the result of reported rape or incest.
- Iowa requires abortion providers to meet certain informed consent requirements before performing abortions for which they plan to seek reimbursement from the state.
- Iowa offers "Choose Life" license plates, the proceeds of which benefit non-abortion related services.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Iowa has created a specific affirmative duty of physicians to provide medical care and treatment to infants born alive after viability.
- Iowa does not protect unborn children from criminal violence.
- Iowa law provides that an attack on a pregnant woman that results in a stillbirth or miscarriage is a criminal assault.
- In 2017, Iowa passed legislation that prohibits providing, receiving, or transferring fetal body parts.
- It also requires an investigation into a newborn's death when 1) the death is believed to have occurred during or after delivery and when the delivery was only attended by the mother; or 2) the medical examiner otherwise believes an investigation is warranted.
- Iowa allows a wrongful death (civil) action only when an unborn child is born alive following a negligent or criminal act and dies thereafter.
- It defines substance abuse during pregnancy as "child abuse" under its civil child welfare statutes. Iowa also requires healthcare professionals to report suspected prenatal drug exposure and to test newborns for such exposure when there is suspicion of prenatal drug use or abuse.
- Iowa has authorized stillbirth certificates.

BIOETHICS LAWS

- Under the Stem Cell Research and Cures Initiative, Iowa allows cloning for biomedical research and destructive embryo research, while prohibiting cloning to produce children, making it a "clone-and-kill" state.
- It does not prohibit fetal experimentation, promote ethical forms of research, or regulate assisted reproductive technologies or human egg harvesting.

PATIENT PROTECTION LAWS

- Assisting a suicide constitutes a felony.
- Iowa also has a "right to try" law that allows terminally ill patients to use investigational drugs.
- The courts do not have authority to require life-sustaining care be withdrawn from a minor child over the parents' objection unless there is "conclusive medical evidence" the child has died.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION AND CONTRACEPTION

- An individual who objects on religious or moral grounds is not required to participate in an abortion unless that abortion constitutes “emergency medical treatment” of a serious physical condition necessary to save the woman’s life.
- A private or religiously affiliated hospital is not required to perform or permit an abortion that is not necessary to save a woman’s life.
- Health insurance plans that provide prescription coverage must also provide coverage for contraception. No conscience exemption is provided for religious employers.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- Iowa currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider’s moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal up to at least 20 weeks of pregnancy due to a state court decision.

RECOMMENDATIONS FOR IOWA

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Women's Right to Know Act with reflection period
 - Coercive Abuse Against Mothers Prevention Act
 - Drug-Induced Abortion Information and Reporting Act
 - Parental Consent Act for Abortion
 - Parental Involvement Enhancement Act
 - Components of the Child Protection Act related to evidence retention and remedies for third-party interference with parental rights
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INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Unborn Infants Wrongful Death Act (for a pre-viable child)
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PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act
- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act