

Senate File No. ____

AN ACT RELATING TO THE PROTECTION OF PRENATAL AND EMBRYONIC HUMAN LIFE, regulating assisted reproductive technology, establishing criminal penalties, providing civil remedies, directing rulemaking, providing appropriations, and including severability and supremacy provisions.

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

Section 1. LEGISLATIVE FINDINGS.

1. The general assembly finds that substantial medical, psychological, and demographic evidence demonstrates that the intentional termination of prenatal human life causes long-term physical, psychological, and reproductive harm to expectant mothers, families, and communities.
2. Advances in embryology, genetics, and prenatal medicine confirm that a human zygote, embryo, and fetus are living members of the species *Homo sapiens* with unique genetic identity from the moment of conception.
3. The creation of a human zygote constitutes the creation of a distinct human being, genetically differentiated from either of its parents.
4. The general assembly finds that the state of Iowa has a compelling and vested interest in protecting prenatal human life, supporting expectant mothers, and ensuring that all medically reasonable efforts are made to preserve both maternal and prenatal life.
5. The general assembly further finds that embryo destruction, embryo research, and unsafe assisted reproductive practices pose substantial risks to human life and undermine public confidence in medical and scientific institutions.
6. The general assembly declares that the protection of prenatal life is essential to the preservation of public health, the integrity of families, and the moral foundation of the state.

Section 2. DEFINITIONS.

1. "Zygote" means a living organism of the species *Homo sapiens* at the single-cell stage of development created by the union of male and female reproductive cells.
2. "Embryo" means a living human organism from the zygote stage through eight weeks of development, whether located *in vivo* or *in vitro*.
3. "Unborn child" means an individual organism of the species *Homo sapiens* from fertilization until live birth, including a zygote, embryo, or fetus.
4. "Reasonably possible" means consistent with the standard of care for life-preserving medical practice as defined by statute and interpreted under chapters 147 and 148.

5. "Life-preserving medical practice" means medical care intended to preserve the life of both an expectant mother and her unborn child to the greatest extent medically feasible.
6. "Embryo adoption" means the legal transfer of rights and responsibilities for an embryo created through assisted reproductive technology to adoptive parents for the purpose of implantation and gestation.
7. "Assisted reproductive technology" means any medical procedure involving the handling, storage, transfer, or implantation of human gametes or embryos.
8. "Willful destruction of embryonic life" means any intentional act that causes the death of a zygote or embryo, whether in vivo or in vitro.
9. "Abortion-inducing pharmaceutical" means any drug, chemical, or compound used with the intent to terminate a pregnancy.
10. "Mens rea" for purposes of this Act requires that the defendant knew or reasonably should have known that a pregnancy existed and that the act taken was likely to terminate the pregnancy.

Section 3. DUTY OF THE STATE.

1. The state shall protect innocent human life from the moment of zygote creation.
2. The general assembly shall have exclusive authority to define, regulate, and enforce the protections established under this Act.
3. The department of health and human services shall administer programs supporting prenatal care, maternal health, child welfare, adoption, and embryo adoption.
4. The department of education shall coordinate with the department of health and human services to provide developmental and educational resources for children.

Section 4. IVF AND EMBRYO PROTECTION.

1. Embryos created through assisted reproductive technology shall be stored in safe, medically approved conditions that preserve embryonic life.
2. No viable embryo shall be intentionally destroyed or discarded. Non-viable embryos, as determined by medical standards, may be disposed of consistent with rules adopted by the department of health and human services.
3. No embryo shall be subjected to any research, experiment, or procedure that may harm or endanger embryonic life, except as necessary for diagnostic or therapeutic purposes directly benefiting that embryo.
4. Embryo transfer protocols shall follow medically recognized standards designed to maximize the likelihood of successful implantation and preserve embryonic life.
5. The department of health and human services shall establish rules for embryo storage, transfer, reporting requirements, and determination of viability pursuant to chapter 17A.

Section 5. ADOPTION.

1. Adoption of children shall be facilitated without imposition of legal fees, court costs, or agency placement fees upon adoptive parents, ensuring that financial barriers do not prevent the placement of children into loving and permanent homes. The

department of health and human services shall conduct all required home studies and post-placement reviews for adoptions under this Act at no cost to adoptive parents.

2. The State of Iowa shall establish and administer a mechanism for the adoption of embryos, ensuring that embryos created through lawful medical procedures may be placed for adoption and transferred to adoptive mothers under safeguards that protect the health and welfare of all parties.
3. The department of health and human services shall establish a low- or no-cost licensing system for embryo adoption agencies.
4. Licensed agencies shall follow medical standards of care and best practices to preserve embryonic life.
5. Embryo adoption requires the concurrence of both progenitor parents unless a court determines that alternative placement is in the best interests of the embryo and most likely to result in a successful live birth.
6. Adoptive parents become the legal parents of the embryo at the moment of implantation in utero, and no legal challenge to parentage shall be valid after that moment.
7. Tax credits for adoptive parents of embryos shall be available only for direct medical expenses related to implantation and transfer procedures, not exceeding fifteen thousand dollars per embryo, adjusted annually for inflation. Credits shall not apply to storage fees, living expenses, or other indirect costs.

Section 6. PROHIBITED ACTS AND CRIMINAL OFFENSES.

1. The willful destruction of embryonic life constitutes murder in the first degree under section 707.2.
2. Termination of a pregnancy, except when all other life-preserving standards of care for the expectant mother have been exhausted, constitutes murder in the first degree.
3. Provision, distribution, or administration of abortion-inducing pharmaceuticals constitutes accessory to murder in the first degree.
4. Acts intended to cause harm that unintentionally terminate a pregnancy may constitute murder in the second degree, voluntary manslaughter, or involuntary manslaughter, consistent with chapter 707.
5. A procedure that results in fetal or embryonic death shall not constitute a violation if the procedure is within the standard of care for life-preserving medical practice to prevent imminent death of the mother and no alternative exists that would preserve both lives.
6. The protections of this section apply to all forms of intentional termination of innocent human life, including but not limited to mechanical abortion, induced fetal demise, and selective reduction.
7. Emergency contraception may be administered if rape or incest is reported to law enforcement within twenty-four hours of the incident and the administration occurs before a pregnancy is confirmed.

Section 7. ENFORCEMENT.

1. The attorney general and all county attorneys shall have concurrent investigative and prosecutorial authority for violations of this Act.
2. Mens rea shall be established as defined in section 2(10).
3. Direct family members of the unborn child may bring a civil action for injunctive relief against any violation of this Act.

Section 8. RULEMAKING.

The department of health and human services and the department of education shall adopt rules pursuant to chapter 17A to implement this Act.

Section 9. APPROPRIATIONS.

There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1 following enactment, and each fiscal year thereafter, the sum of eighty-five million dollars, or so much thereof as is necessary, to implement the programs and regulatory responsibilities established under this Act, including but not limited to prenatal care, maternal health, adoption fee reimbursements, home studies, post-placement reviews, and embryo adoption infrastructure.

Section 10. SUPREMACY.

The provisions of this Act supersede any conflicting provisions of the Iowa Code.

Section 11. SEVERABILITY.

If any provision of this Act or its application is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 12. LEGISLATIVE REVIEW.

The provisions of this Act shall be reviewed by the general assembly every five years following enactment to ensure continued conformity with modern medical practices and advancements in embryology, genetics, and prenatal medicine.

Section 13. EFFECTIVE DATE. This Act takes effect ninety days following enactment.