

By the Committee on Fiscal Policy; and Senators Flores and Gaetz

594-04445-15

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1                   A bill to be entitled  
2           An act relating to termination of pregnancies;  
3           amending s. 390.0111, F.S.; revising conditions for  
4           the voluntary and informed consent to a termination of  
5           pregnancy; providing an exception; reenacting s.  
6           390.012(3)(d), F.S., relating to Agency for Health  
7           Care Administration rules regarding medical screening  
8           and evaluation of abortion clinic patients, to  
9           incorporate the amendment made by this act to s.  
10          390.0111, F.S., in a reference thereto; providing an  
11          effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Paragraph (a) of subsection (3) of section  
16          390.0111, Florida Statutes, is amended to read:

17           390.0111 Termination of pregnancies.—

18           (3) CONSENTS REQUIRED.—A termination of pregnancy may not  
19          be performed or induced except with the voluntary and informed  
20          written consent of the pregnant woman or, in the case of a  
21          mental incompetent, the voluntary and informed written consent  
22          of her court-appointed guardian.

23           (a) Except in the case of a medical emergency, consent to a  
24          termination of pregnancy is voluntary and informed only if:

25           1. The physician who is to perform the procedure, or the  
26          referring physician, has, at a minimum, orally, while physically  
27          present in the same room, and at least 24 hours before the  
28          procedure in person, informed the woman of:

29           a. The nature and risks of undergoing or not undergoing the

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30 proposed procedure that a reasonable patient would consider  
31 material to making a knowing and willful decision of whether to  
32 terminate a pregnancy.

33 b. The probable gestational age of the fetus, verified by  
34 an ultrasound, at the time the termination of pregnancy is to be  
35 performed.

36 (I) The ultrasound must be performed by the physician who  
37 is to perform the abortion or by a person having documented  
38 evidence that he or she has completed a course in the operation  
39 of ultrasound equipment as prescribed by rule and who is working  
40 in conjunction with the physician.

41 (II) The person performing the ultrasound must offer the  
42 woman the opportunity to view the live ultrasound images and  
43 hear an explanation of them. If the woman accepts the  
44 opportunity to view the images and hear the explanation, a  
45 physician or a registered nurse, licensed practical nurse,  
46 advanced registered nurse practitioner, or physician assistant  
47 working in conjunction with the physician must contemporaneously  
48 review and explain the images to the woman before the woman  
49 gives informed consent to having an abortion procedure  
50 performed.

51 (III) The woman has a right to decline to view and hear the  
52 explanation of the live ultrasound images after she is informed  
53 of her right and offered an opportunity to view the images and  
54 hear the explanation. If the woman declines, the woman shall  
55 complete a form acknowledging that she was offered an  
56 opportunity to view and hear the explanation of the images but  
57 that she declined that opportunity. The form must also indicate  
58 that the woman's decision was not based on any undue influence

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59 from any person to discourage her from viewing the images or  
60 hearing the explanation and that she declined of her own free  
61 will.

62 (IV) Unless requested by the woman, the person performing  
63 the ultrasound may not offer the opportunity to view the images  
64 and hear the explanation and the explanation may not be given  
65 if, at the time the woman schedules or arrives for her  
66 appointment to obtain an abortion, a copy of a restraining  
67 order, police report, medical record, or other court order or  
68 documentation is presented which provides evidence that the  
69 woman is obtaining the abortion because the woman is a victim of  
70 rape, incest, domestic violence, or human trafficking or that  
71 the woman has been diagnosed as having a condition that, on the  
72 basis of a physician's good faith clinical judgment, would  
73 create a serious risk of substantial and irreversible impairment  
74 of a major bodily function if the woman delayed terminating her  
75 pregnancy.

76 c. The medical risks to the woman and fetus of carrying the  
77 pregnancy to term.

78  
79 The physician may provide the information required in this  
80 subparagraph within 24 hours prior to the procedure, if  
81 requested by the woman at the time she schedules or arrives for  
82 her appointment to obtain an abortion and she presents to the  
83 physician a copy of a restraining order, police report, medical  
84 record, or other court order or documentation evidencing that  
85 she is obtaining the abortion because she is a victim of rape,  
86 incest, domestic violence, or human trafficking.

87 2. Printed materials prepared and provided by the

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88 department have been provided to the pregnant woman, if she  
89 chooses to view these materials, including:

90 a. A description of the fetus, including a description of  
91 the various stages of development.

92 b. A list of entities that offer alternatives to  
93 terminating the pregnancy.

94 c. Detailed information on the availability of medical  
95 assistance benefits for prenatal care, childbirth, and neonatal  
96 care.

97 3. The woman acknowledges in writing, before the  
98 termination of pregnancy, that the information required to be  
99 provided under this subsection has been provided.

100

101 Nothing in this paragraph is intended to prohibit a physician  
102 from providing any additional information which the physician  
103 deems material to the woman's informed decision to terminate her  
104 pregnancy.

105 Section 2. For the purpose of incorporating the amendment  
106 made by this act to section 390.0111, Florida Statutes, in a  
107 reference thereto, paragraph (d) of subsection (3) of section  
108 390.012, Florida Statutes, is reenacted to read:

109 390.012 Powers of agency; rules; disposal of fetal  
110 remains.—

111 (3) For clinics that perform or claim to perform abortions  
112 after the first trimester of pregnancy, the agency shall adopt  
113 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
114 provisions of this chapter, including the following:

115 (d) Rules relating to the medical screening and evaluation  
116 of each abortion clinic patient. At a minimum, these rules shall

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117 require:

118 1. A medical history including reported allergies to  
119 medications, antiseptic solutions, or latex; past surgeries; and  
120 an obstetric and gynecological history.

121 2. A physical examination, including a bimanual examination  
122 estimating uterine size and palpation of the adnexa.

123 3. The appropriate laboratory tests, including:

124 a. Urine or blood tests for pregnancy performed before the  
125 abortion procedure.

126 b. A test for anemia.

127 c. Rh typing, unless reliable written documentation of  
128 blood type is available.

129 d. Other tests as indicated from the physical examination.

130 4. An ultrasound evaluation for all patients. The rules  
131 shall require that if a person who is not a physician performs  
132 an ultrasound examination, that person shall have documented  
133 evidence that he or she has completed a course in the operation  
134 of ultrasound equipment as prescribed in rule. The rules shall  
135 require clinics to be in compliance with s. 390.0111.

136 5. That the physician is responsible for estimating the  
137 gestational age of the fetus based on the ultrasound examination  
138 and obstetric standards in keeping with established standards of  
139 care regarding the estimation of fetal age as defined in rule  
140 and shall write the estimate in the patient's medical history.  
141 The physician shall keep original prints of each ultrasound  
142 examination of a patient in the patient's medical history file.

143 Section 3. This act shall take effect July 1, 2015.