



171258

LEGISLATIVE ACTION

Senate

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House

Senator Jones moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 216 - 224
and insert:

(2) PERFORMANCE BY PHYSICIAN REQUIRED.—Only a physician may perform or induce a ~~No~~ termination of pregnancy ~~shall be performed at any time except by a physician as defined in s. 390.011.~~

(3) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the pregnant woman or, in the case of a



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12 mental incompetent, the voluntary and informed written consent
13 of her court-appointed guardian.

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

16 1. The physician who is to perform the procedure, or the
17 referring physician, has, at a minimum, orally, while physically
18 present in the same room, and at least 24 hours before the
19 procedure, informed the woman of:

20 a. The nature and risks of undergoing or not undergoing the
21 proposed procedure that a reasonable patient would consider
22 material to making a knowing and willful decision of whether to
23 terminate a pregnancy.

24 b. The probable gestational age of the fetus, verified by
25 an ultrasound, at the time the termination of pregnancy is to be
26 performed.

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

32 (II) The person performing the ultrasound must offer the
33 woman the opportunity to view the live ultrasound images and
34 hear an explanation of them. If the woman accepts the
35 opportunity to view the images and hear the explanation, a
36 physician or a registered nurse, licensed practical nurse,
37 advanced practice registered nurse, or physician assistant
38 working in conjunction with the physician must contemporaneously
39 review and explain the images to the woman before the woman
40 gives informed consent to having an abortion procedure



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performed.

(III) The woman has a right to decline to view and hear the explanation of the live ultrasound images after she is informed of her right and offered an opportunity to view the images and hear the explanation. If the woman declines, the woman shall complete a form acknowledging that she was offered an opportunity to view and hear the explanation of the images but that she declined that opportunity. The form must also indicate that the woman's decision was not based on any undue influence from any person to discourage her from viewing the images or hearing the explanation and that she declined of her own free will.

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

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



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The physician may provide the information required in this subparagraph through telehealth as defined in s. 456.47 if the pregnant woman resides more than 100 miles from the nearest abortion provider. The physician may provide the information required in this subparagraph within 24 hours before the procedure if requested by the woman at the time she schedules or arrives for her appointment to obtain an abortion and if she presents to the physician a copy of a restraining order, police report, medical record, or other court order or documentation evidencing that she is obtaining the abortion because she is a victim of rape, incest, domestic violence, or human trafficking.

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:

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

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

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

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

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



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100 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====
101 And the directory clause is amended as follows:
102 Delete line 180
103 and insert:
104 Section 3. Subsections (1) and (2), paragraph (a) of
105 subsection (3), and subsections (10) and (13) of section
106
107 ===== T I T L E A M E N D M E N T =====
108 And the title is amended as follows:
109 Delete lines 28 - 33
110 and insert:
111 authorizing a physician to use telehealth to provide
112 specified information for purposes of obtaining
113 informed consent for an abortion procedure under
114 certain circumstances; conforming