

By Senator Flores

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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; reenacting s. 390.012(3)(d), F.S., relating
6 to Agency for Health Care Administration rules
7 regarding medical screening and evaluation of abortion
8 clinic patients, to incorporate the amendment made by
9 this act to s. 390.0111, F.S., in a reference thereto;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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

16 390.0111 Termination of pregnancies.—

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

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

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

28 a. The nature and risks of undergoing or not undergoing the
29 proposed procedure that a reasonable patient would consider

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30 material to making a knowing and willful decision of whether to
31 terminate a pregnancy.

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

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

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

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

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59 hearing the explanation and that she declined of her own free
60 will.

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

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

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

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

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

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

87 3. The woman acknowledges in writing, before the

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88 termination of pregnancy, that the information required to be
89 provided under this subsection has been provided.

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

95 Section 2. For the purpose of incorporating the amendment
96 made by this act to section 390.0111, Florida Statutes, in a
97 reference thereto, paragraph (d) of subsection (3) of section
98 390.012, Florida Statutes, is reenacted to read:

99 390.012 Powers of agency; rules; disposal of fetal
100 remains.—

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

105 (d) Rules relating to the medical screening and evaluation
106 of each abortion clinic patient. At a minimum, these rules shall
107 require:

108 1. A medical history including reported allergies to
109 medications, antiseptic solutions, or latex; past surgeries; and
110 an obstetric and gynecological history.

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

113 3. The appropriate laboratory tests, including:

114 a. Urine or blood tests for pregnancy performed before the
115 abortion procedure.

116 b. A test for anemia.

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117 c. Rh typing, unless reliable written documentation of
118 blood type is available.

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

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

126 5. That the physician is responsible for estimating the
127 gestational age of the fetus based on the ultrasound examination
128 and obstetric standards in keeping with established standards of
129 care regarding the estimation of fetal age as defined in rule
130 and shall write the estimate in the patient's medical history.
131 The physician shall keep original prints of each ultrasound
132 examination of a patient in the patient's medical history file.

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