

By Senator Mayfield

17-01519B-18

20181890__

1 A bill to be entitled
2 An act relating to dismemberment abortion; amending s.
3 390.011, F.S.; defining the term "dismemberment
4 abortion"; amending s. 390.0111, F.S.; prohibiting a
5 physician from knowingly performing a dismemberment
6 abortion; providing an exception; prohibiting a woman
7 upon whom a dismemberment abortion is performed from
8 being prosecuted for a conspiracy to violate specified
9 provisions; providing an effective date.

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

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13 Section 1. Present subsections (6) through (13) of section
14 390.011, Florida Statutes, are redesignated as subsections (7)
15 through (14), respectively, and a new subsection (6) is added to
16 that section to read:

17 390.011 Definitions.—As used in this chapter, the term:
18 (6) "Dismemberment abortion" means an abortion in which a
19 person, with the purpose of causing the death of a fetus,
20 dismembers the living fetus and extracts it one piece at a time
21 from the uterus through the use of clamps, grasping forceps,
22 tongs, scissors, or a similar instrument that, through the
23 convergence of two rigid levers, slices, crushes, or grasps, or
24 performs any combination of those actions on, a piece of the
25 fetus's body to cut or rip the piece from the body. The term
26 does not include an abortion that exclusively uses suction to
27 dismember the body of a fetus by sucking pieces of the body into
28 a collection container.

29 Section 2. Present subsections (6) through (15) of section

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30 390.0111, Florida Statutes, are redesignated as subsections (7)
31 through (16), respectively, present subsection (10) of that
32 section is amended, and a new subsection (6) is added to that
33 section, to read:

34 390.0111 Termination of pregnancies.—

35 (6) DISMEMBERMENT ABORTION PROHIBITED; EXCEPTION.—

36 (a) No physician shall knowingly perform a dismemberment
37 abortion.

38 (b) A woman upon whom a dismemberment abortion is performed
39 may not be prosecuted under this section for a conspiracy to
40 violate this section.

41 (c) This subsection does not apply to a dismemberment
42 abortion that is necessary to save the life of a pregnant woman
43 whose life is endangered by a physical disorder, illness, or
44 injury, provided that no other medical procedure would suffice
45 for that purpose.

46 (11) ~~(10)~~ PENALTIES FOR VIOLATION.—Except as provided in
47 subsections (3), (8) ~~(7)~~, and (13) ~~(12)~~:

48 (a) Any person who willfully performs, or actively
49 participates in, a termination of pregnancy in violation of ~~the~~
50 ~~requirements of~~ this section or s. 390.01112 commits a felony of
51 the third degree, punishable as provided in s. 775.082, s.
52 775.083, or s. 775.084.

53 (b) Any person who performs, or actively participates in, a
54 termination of pregnancy in violation of this section or s.
55 390.01112 which results in the death of the woman commits a
56 felony of the second degree, punishable as provided in s.
57 775.082, s. 775.083, or s. 775.084.

58 Section 3. This act shall take effect July 1, 2018.