

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 5 — Reducing Fetal and Infant Mortality

by Health Care Appropriations Subcommittee and Reps. Grall, Persons-Mulicka, and others (SB 146 by Senators Stargel, Bradley, Rodrigues, Burgess and Gruters)

The bill amends several sections of law relating to reducing fetal and infant mortality.

Provisions Relating to Abortion

The bill prohibits a physician from performing an abortion after the fetus has reached 15 weeks of gestational age and redefines the term “gestation” to measure gestational age as the time period starting on the first day of the pregnant woman’s last menstrual period.

The bill applies exceptions found in preexisting law to the 15-week provision, i.e. to save the pregnant woman’s life or to prevent a serious risk of substantial and irreversible physical impairment of a major bodily function, which must be certified in writing by two physicians, or by one physician in the case of an emergency if a second physician is not available. The bill also adds a new exception to the 15-week provision that applies if two physicians certify in writing that the fetus has a fatal fetal abnormality and has not reached viability. The bill defines “fatal fetal abnormality” as a terminal condition that, in reasonable medical judgement, regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb and will result in death upon birth or imminently thereafter.

Additionally, the bill amends provisions related to the reporting of abortions to the Agency for Health Care Administration (AHCA). The bill requires the AHCA, the Board of Medicine, and the Board of Osteopathic Medicine to adopt by rule a form for reporting abortions. The form must include information that is required to be reported under preexisting law as well as additional information, specifically:

- The number of drug regimens dispensed or prescribed for a medical abortion, defined under the bill as the administration or use of an abortion-inducing drug to induce an abortion; and
- If a woman has provided evidence of human trafficking under a separate provision of law, human trafficking must be reported on the form as a reason for the abortion.

Other Provisions

The bill adds a requirement to the Comprehensive Statewide Tobacco Education and Use Prevention Program to target information towards pregnant women and women who may become pregnant; requires the Department of Health (DOH) to contract with local Healthy Start coalitions to establish fetal and infant mortality review committees (FIMR) in all regions of the state and appropriates \$1,602,000 in recurring funds for State Fiscal Year 2022-23 for this purpose; and requires all hospitals that provide birthing services to participate in at least two quality initiatives developed in collaboration with the Florida Perinatal Quality Collaborative within the University of South Florida College of Public Health.

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Specific to the FIMRs, the bill requires that each FIMR:

- Review and analyze rate trends, causes, and other data related to fetal and infant mortality and morbidity in a geographic area.
- Develop findings and recommendations for interventions and policy changes to reduce fetal and infant mortality and morbidity rates.
- Engage with local communities and stakeholders to implement recommended policies and procedures to reduce fetal and infant mortality and morbidity.

The bill also requires that each local Healthy Start coalition report the findings and recommendations developed by each FIMR to the DOH annually and that, beginning on October 1, 2023, the DOH must compile the findings and recommendations into a report that must be submitted to the Governor and to the Legislature each year.

The bill makes other technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 23-15; House 78-39