

1 (a) The physician who is to perform the procedure, or
2 the referring physician, has orally, in person, informed the
3 woman of:

4 1. The nature of the proposed procedure or treatment
5 and of those risks and alternatives to the procedure or
6 treatment that a reasonable patient would consider material to
7 the decision of whether to undergo the termination of
8 pregnancy.

9 2. The probable gestation age of the unborn child at
10 the time the termination of pregnancy is to be performed.

11 3. The medical risks associated with carrying her
12 child to term.

13 (b) A copy of the following printed materials has been
14 provided to the pregnant woman, if she chooses to view these
15 materials:

16 1. A description of the unborn child.

17 2. A list of agencies that offer alternatives to
18 terminating a pregnancy.

19 3. Detailed information on the availability of medical
20 assistance benefits for prenatal care, childbirth, and
21 neonatal care.

22 (c) The pregnant woman certifies in writing, before
23 the termination of pregnancy, that the information required to
24 be provided under paragraphs (a) and (b) has been provided.

25 (3) If a medical emergency compels the performance of
26 a termination of pregnancy, the physician must inform the
27 woman, before the procedure, if possible, of the medical
28 indications supporting his judgment that the procedure is
29 necessary to avert her death or to avert substantial and
30 irreversible impairment of a major bodily function.

31

1 (4) Any physician who violates this section is guilty
2 of unprofessional conduct, and his license for the practice of
3 medicine and surgery is subject to suspension or revocation.
4 Any physician who performs or induces a termination of
5 pregnancy without first obtaining the certification required
6 by paragraph (2)(c) or with knowledge or reason to know that
7 the informed consent of the woman has not been obtained is,
8 for the first offense, guilty of a summary offense and, for
9 each subsequent offense, is guilty of a misdemeanor of the
10 second degree, punishable as provided in s. 775.082 or s.
11 775.083. A physician is not in violation of this section for
12 failure to furnish the information required by paragraph
13 (2)(a) if the physician can demonstrate, by a preponderance of
14 the evidence, that the physician reasonably believed that
15 furnishing the information would have a severely adverse
16 effect on the physical or mental health of the patient.
17 (5) A physician who complies with this section is not
18 civilly liable to his patient for failure to obtain informed
19 consent to the termination of pregnancy.

20 Section 2. This act shall take effect July 1, 1997.

21
22 *****

23 LEGISLATIVE SUMMARY

24 Creates the "Woman's Right-To-Know Act." Provides that a
25 woman must give her voluntary and informed consent, as
26 defined in this act, to having an abortion performed or
27 induced. Requires the physician who is to perform the
28 procedure, or the physician's designee, to provide
29 certain information to the pregnant woman. Requires
30 written certification that she has received the
31 information. Provides requirements relating to an
 emergency abortion. Provides penalties for violating this
 act. Limits a physician's civil liability to the
 physician's patient for a failure to obtain informed
 consent if the physician has complied with this act.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ADDITIONAL SPONSORS

Constantine, Fuller, Feeney, Livingston, Goode,
Rodriguez-Chomat, Thrasher, Harrington, Sanderson, Putnam,
Arnall, Andrews and Minton