By Representatives Brooks, Burroughs, Littlefield, Wise, Starks, Bronson, Posey, Peaden, Maygarden, Fasano, Byrd, Sindler, Melvin, Trovillion, Wallace, Bainter, Ball, Kelly, Lacasa, Diaz de la Portilla, Flanagan, Smith, Mackey, (Additional Sponsors on Last Printed Page)

1 A bill to be entitled 2 An act relating to informed consent; creating 3 s. 390.003, F.S.; creating the "Woman's 4 Right-To-Know Act"; requiring the voluntary and informed consent of a woman upon whom a 5 6 termination of pregnancy is to be performed or 7 induced; providing requirements of informed 8 consent; providing that a physician who is to 9 perform the procedure, or the physician's 10 designee, provide certain information; 11 requiring written certification that the 12 pregnant woman has been provided with certain 13 information; providing requirements relating to an emergency procedure; providing penalties; 14 15 limiting the civil liability of a physician who 16 complies with this section; providing an 17 effective date. 18 19 Be It Enacted by the Legislature of the State of Florida: 20 Section 390.003, Florida Statutes, is 21 Section 1. created to read: 22 23 390.003 Termination of pregnancies; informed consent; waiting period.--24 25 (1) This section may be cited as the "Woman's 26 Right-To-Know Act." 27 A termination of pregnancy may not be performed or 28 induced except with the voluntary and informed consent of the 29 woman upon whom the procedure is to be performed or induced. 30 Except in the case of a medical emergency, consent to a termination of pregnancy is voluntary and informed only if:

2.8

	(a)	$Th\epsilon$	e physician	who	is	to	perf	orm	the	procedure	, or
the	referr	ing	physician,	has	ora	ally	/, in	ı pe:	rson	, informed	the
woma	n of:										

- 1. The nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision of whether to undergo the termination of pregnancy.
- 2. The probable gestation age of the unborn child at the time the termination of pregnancy is to be performed.
- 3. The medical risks associated with carrying her child to term.
- (b) A copy of the following printed materials has been provided to the pregnant woman, if she chooses to view these materials:
 - 1. A description of the unborn child.
- 2. A list of agencies that offer alternatives to ternminating a pregnancy.
- 3. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.
- (c) The pregnant woman certifies in writing, before the termination of pregnancy, that the information required to be provided under paragraphs (a) and (b) has been provided.
- (3) If a medical emergency compels the performance of a termination of pregnancy, the physician must inform the woman, before the procedure, if possible, of the medical indications supporting his judgment that the procedure is necessary to avert her death or to avert substantial and irreversible impairment of a major bodily function.

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

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