

By the Committee on Health, Aging and Long-Term Care; and
Senator Cowin

317-2265-02

1 A bill to be entitled
2 An act relating to health care; creating the
3 "Women's Health and Safety Act"; amending s.
4 390.0112, F.S.; revising requirements for
5 reporting by medical directors and physicians
6 of terminations of pregnancies; providing a
7 penalty; providing for disciplinary action for
8 successive failures to report; amending s.
9 390.012, F.S.; revising requirements for rules
10 of the Agency for Health Care Administration
11 relating to abortions performed in abortion
12 clinics; providing for rules regarding
13 abortions performed after the first trimester
14 of pregnancy; requiring abortion clinics to
15 develop policies to protect the heath, care,
16 and treatment of patients; providing an
17 effective date.

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

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21 Section 1. This act may be cited as the "Women's
22 Health and Safety Act."

23 Section 2. Section 390.0112, Florida Statutes, is
24 amended to read:

25 390.0112 Termination of pregnancies; reporting.--

26 (1) The director of any medical facility in which any
27 pregnancy is terminated shall submit a monthly report to the
28 agency, on a form developed by the agency. The report shall
29 contain information regarding each category reported in the
30 Centers for Disease Control and Prevention Surveillance
31 Summary on Abortion ~~which contains the number of procedures~~

1 ~~performed, the reason for same, and the period of gestation at~~
2 ~~the time such procedures were performed to the agency.~~ The
3 agency shall be responsible for keeping such reports in a
4 central place from which statistical data and analysis can be
5 made.

6 (2) If the termination of pregnancy is not performed
7 in a medical facility, the physician performing the procedure
8 shall be responsible for reporting such information as
9 required in subsection (1).

10 (3) Reports submitted pursuant to this section shall
11 be confidential and exempt from the provisions of s. 119.07(1)
12 and shall not be revealed except upon the order of a court of
13 competent jurisdiction in a civil or criminal proceeding.

14 (4) Any person required under this section to file a
15 report or keep any records who willfully fails to file such
16 report or keep such records may be subject to a \$200 fine for
17 each violation. The agency shall be required to impose such
18 fines when reports or records required under this section have
19 not been timely received. For purposes of this section,
20 "timely received" is defined as 30 days following the
21 preceding month. Upon successive failures to file, the
22 licensee shall be subject to disciplinary action by the
23 licensing authority.

24 Section 3. Subsection (1) of section 390.012, Florida
25 Statutes, is amended to read:

26 390.012 Powers of agency; rules; disposal of fetal
27 remains.--

28 (1) The agency shall have the authority to develop and
29 enforce rules for the health, care, and treatment of persons
30 in abortion clinics and for the safe operation of such
31 clinics. For clinics that perform abortions in the first

1 trimester of pregnancy only, the ~~These~~ rules shall be
2 comparable to rules that ~~which~~ apply to all surgical
3 procedures requiring approximately the same degree of skill
4 and care as the performance of first trimester abortions. For
5 clinics that perform or claim to perform abortions after the
6 first trimester of pregnancy, the rules shall be comparable to
7 rules that apply to all surgical procedures requiring
8 approximately the same degree of skill and care as the
9 performance of abortions after the first trimester.The rules
10 shall be reasonably related to the preservation of maternal
11 health of the clients. The rules shall be in accordance with
12 s. 797.03 and shall not impose an unconstitutional ~~a legally~~
13 ~~significant~~ burden on a woman's freedom to decide whether to
14 terminate her pregnancy. The rules shall provide for:

15 (a) The performance of pregnancy termination
16 procedures only by a licensed physician. Abortion clinics
17 shall develop, promulgate, and enforce policies to protect the
18 health, care, and treatment of patients, including policies
19 relating to obtaining the informed consent of the patient and
20 to postoperative care of patients suffering complications from
21 an abortion.

22 (b) The making, protection, and preservation of
23 patient records, which shall be treated as medical records
24 under chapter 458.

25 Section 4. This act shall take effect July 1, 2002.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1690

The Committee Substitute differs from SB 1690 in the following ways:

The Committee Substitute is titled the "Women's Health and Safety Act."

Rather than requiring a report to the Agency for Health Care Administration within 30 days of each termination of a pregnancy, the Committee Substitute requires the monthly report within 30 days following the preceding month.