

By Senator Cowin

20-194-03

1 A bill to be entitled
2 An act relating to health care; creating the
3 "Women's Health and Safety Act"; amending s.
4 390.012, F.S.; revising requirements for rules
5 of the Agency for Health Care Administration
6 relating to abortions performed in abortion
7 clinics; providing for rules regarding
8 abortions performed after the first trimester
9 of pregnancy; requiring abortion clinics to
10 develop policies to protect the health, care,
11 and treatment of patients; providing an
12 effective date.

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

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

18 Section 2. Subsection (1) of section 390.012, Florida
19 Statutes, is amended to read:

20 390.012 Powers of agency; rules; disposal of fetal
21 remains.--

22 (1) The agency shall have the authority to develop and
23 enforce rules for the health, care, and treatment of persons
24 in abortion clinics and for the safe operation of such
25 clinics. For clinics that perform abortions in the first
26 trimester of pregnancy only, the ~~These~~ rules shall be
27 comparable to rules that ~~which~~ apply to all surgical
28 procedures requiring approximately the same degree of skill
29 and care as the performance of first trimester abortions. For
30 clinics that perform or claim to perform abortions after the
31 first trimester of pregnancy, the rules shall be comparable to

1 rules that apply to all surgical procedures requiring
2 approximately the same degree of skill and care as the
3 performance of abortions after the first trimester.The rules
4 shall be reasonably related to the preservation of maternal
5 health of the clients. The rules shall be in accordance with
6 s. 797.03 and may not impose an unconstitutional ~~a legally~~
7 ~~significant~~ burden on a woman's freedom to decide whether to
8 terminate her pregnancy. The rules shall provide for:

9 (a) The performance of pregnancy termination
10 procedures only by a licensed physician. Each abortion clinic
11 shall develop, promulgate, and enforce policies to protect the
12 health, care, and treatment of patients, including policies
13 for obtaining the informed consent of the patient and for
14 postoperative care of patients suffering complications from an
15 abortion.

16 (b) The making, protection, and preservation of
17 patient records, which shall be treated as medical records
18 under chapter 458.

19 Section 3. This act shall take effect July 1, 2003.

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22 SENATE SUMMARY

23 Specifies that rules of the Agency for Health Care
24 Administration relating to abortions performed in
25 abortion clinics must be in accordance with current
26 statutes that stipulate prohibited acts relating to
27 abortions and must not impose an unconstitutional burden
28 on the woman's freedom to decide whether to have an
29 abortion. Provides for agency rules regarding abortions
30 performed after the first trimester of pregnancy.
31 Requires abortion clinics to develop policies to protect
the health, care, and treatment of patients.