



HB 0219

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

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

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

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

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

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



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31 degree of skill and care as the performance of abortions after
32 the first trimester. The rules shall be reasonably related to
33 the preservation of maternal health of the clients. The rules
34 shall be in accordance with s. 797.03 and may not impose an
35 unconstitutional ~~a legally significant~~ burden on a woman's
36 freedom to decide whether to terminate her pregnancy. The rules
37 shall provide
38 for:

39 (a) The performance of pregnancy termination procedures
40 only by a licensed physician. Each abortion clinic shall
41 develop, promulgate, and enforce policies to protect the health,
42 care, and treatment of patients, including policies for
43 obtaining the informed consent of the patient and for
44 postoperative care of patients suffering complications from an
45 abortion.

46 (b) The making, protection, and preservation of patient
47 records, which shall be treated as medical records under chapter
48 458.

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