



CHAMBER ACTION

The Committee on Health Care recommends the following:

Committee Substitute

Remove the entire bill and insert:

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 abortion clinics in which abortions are performed after the first trimester of pregnancy; requiring abortion clinics to develop policies to protect the health, care, and treatment of patients; providing for severability; providing an effective date.

WHEREAS, abortion is an invasive surgical procedure that can lead to numerous and serious medical complications, and

WHEREAS, potential complications for abortions include, among others, bleeding, hemorrhage, infection, uterine perforation, blood clots, cervical tears, incomplete abortion, failure to actually terminate the pregnancy, free fluid in the abdomen, missed ectopic pregnancies, cardiac arrest, sepsis, respiratory arrest, reactions to anesthesia, fertility problems, emotional problems, and even death, and



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29 WHEREAS, the state has a legitimate interest in making sure
30 that abortion, like any other medical procedure, is performed
31 under circumstances that ensure maximum safety for the patient,
32 and

33 WHEREAS, the risks for abortion are greater after the first
34 trimester of pregnancy, and

35 WHEREAS, the risk of hemorrhage, in particular, is greater
36 after the first trimester of pregnancy, and the resultant
37 complications may require a hysterectomy, other reparative
38 surgery, or a blood transfusion, NOW, THEREFORE,

39

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

41

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

44 Section 2. Section 390.012, Florida Statutes, is amended
45 to read:

46 390.012 Powers of agency; rules; disposal of fetal
47 remains.--

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



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56 (2) For clinics that perform abortions after the first
57 trimester of pregnancy, the agency shall adopt rules pursuant to
58 ss. 120.536(1) and 120.54 to implement the provisions of this
59 section, which shall include reasonable and fair minimum
60 standards for ensuring:

61 (a) Sufficient numbers and qualified types of personnel
62 are on duty and available at all times to provide necessary and
63 adequate patient care and safety.

64 (b) Appropriate medical screening and evaluation of each
65 abortion clinic patient takes place.

66 (c) Appropriate supplies and equipment are available,
67 including supplies and equipment that are required to be
68 immediately available for use in an emergency.

69 (d) Appropriate standards for followup care are
70 established and followed.

71 (e) Adequate private space that is specifically designated
72 for interviewing, counseling, and medical evaluations.

73 (f) Appropriate lavatory areas are provided.

74 (g) Areas for pre-procedure hand washing are provided.

75 (h) Private procedure rooms are provided.

76 (i) Adequate lighting and ventilation for abortion
77 procedures are provided.

78 (j) Surgical or gynecologic examination tables and other
79 fixed equipment are provided.

80 (k) Post-procedure recovery rooms are provided.

81 (l) Emergency exits to accommodate a stretcher or gurney
82 exist.



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83 | (m) Areas for cleaning and sterilizing instruments are
84 | provided.

85 | (n) Adequate areas for the secure storage of medical
86 | records and necessary equipment and supplies are provided.

87 | (3) The rules shall be reasonably related to the
88 | preservation of maternal health of the clients. The rules shall
89 | be in accordance with s. 797.03 and may not impose an
90 | unconstitutional ~~a legally significant~~ burden on a woman's
91 | freedom to decide whether to terminate her pregnancy. The rules
92 | shall provide for:

93 | (a) The performance of pregnancy termination procedures
94 | only by a licensed physician. Each abortion clinic shall
95 | develop, adopt, and enforce policies to protect the health,
96 | care, and treatment of patients, including policies for
97 | obtaining the informed consent of the patient and for
98 | postoperative care of patients suffering complications from an
99 | abortion.

100 | (b) The making, protection, and preservation of patient
101 | records, which shall be treated as medical records under
102 | chapters ~~chapter~~ 458 and 459.

103 | (4)(2) The agency may adopt and enforce rules, in the
104 | interest of protecting the public health, to ensure the prompt
105 | and proper disposal of fetal remains and tissue resulting from
106 | pregnancy termination.

107 | (5)(3) If any owner, operator, or employee of an abortion
108 | clinic fails to dispose of fetal remains and tissue in a manner
109 | consistent with the disposal of other human tissue in a
110 | competent professional manner, the license of such clinic may be



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111 suspended or revoked, and such person is guilty of a misdemeanor
112 of the first degree, punishable as provided in s. 775.082 or s.
113 775.083.

114 Section 3. If any provision of this act or the application
115 thereof to any person or circumstance is held invalid, the
116 invalidity shall not affect the other provisions or application
117 of the act which can be given effect without the invalid
118 provision or applications, and to this end the provisions of
119 this act are declared severable.

120 Section 4. This act shall take effect July 1, 2003.