



CHAMBER ACTION

The Committee on Judiciary 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 spaces that are specifically  
72 designated for interviewing, counseling, and medical evaluations  
73 are provided.

74        (f) Appropriate lavatory areas are provided.

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

76        (h) Private procedure rooms are provided.

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

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

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

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



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

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

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

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

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

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

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



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112 suspended or revoked, and such person is guilty of a misdemeanor  
113 of the first degree, punishable as provided in s. 775.082 or s.  
114 775.083.

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

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