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A bill to be entitled

An act relating to health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring abortion clinics to develop policies to protect the health, care, and treatment of patients; deleting the requirement that records relating to abortion clinics performing only first trimester pregnancies be maintained as medical records; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

WHEREAS, abortion is an invasive surgical procedure that can lead to numerous and serious medical complications, including, but not limited to, bleeding, hemorrhage, infection, uterine perforation, blood clots, cervical tears, incomplete abortion (retained tissue), 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

WHEREAS, the state has a legitimate interest in ensuring that abortions, like any other medical procedure, be performed under circumstances that ensure maximum safety for the patient, and

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30 WHEREAS, the risks for abortion are greater after the first
31 trimester of pregnancy, and

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

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

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39 Section 1. This act shall be known by the popular name the
40 "Women's Health and Safety Act."

41 Section 2. Section 390.012, Florida Statutes, is amended
42 to read:

43 390.012 Powers of agency; rules; disposal of fetal
44 remains.--

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

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

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

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

63 (c) Appropriate supplies, facilities, space, and equipment
64 are available, including supplies and equipment that are
65 required to be immediately available for use in an emergency.

66 (d) Appropriate standards for followup care are
67 established and followed.

68 (e) The creation, protection, and preservation of patient
69 records, which shall be treated as medical records under
70 chapters 458 and 459.

71 (3) The rules shall be reasonably related to the
72 preservation of maternal health of the clients. The rules shall
73 be in accordance with s. 797.03 and may not impose an
74 unconstitutional a legally significant burden on a woman's
75 freedom to decide whether to terminate her pregnancy. The rules
76 shall provide for:

77 ~~(a)~~ the performance of pregnancy termination procedures
78 only by a licensed physician.

79 ~~(b) The making, protection, and preservation of patient~~
80 ~~records, which shall be treated as medical records under chapter~~
81 ~~458.~~

82 (4)(2) The agency may adopt and enforce rules, in the
83 interest of protecting the public health, to ensure the prompt
84 and proper disposal of fetal remains and tissue resulting from
85 pregnancy termination.

86 (5)(3) If any owner, operator, or employee of an abortion
87 clinic fails to dispose of fetal remains and tissue in a manner

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88 consistent with the disposal of other human tissue in a
89 competent professional manner, the license of such clinic may be
90 suspended or revoked, and such person is guilty of a misdemeanor
91 of the first degree, punishable as provided in s. 775.082 or s.
92 775.083.

93 Section 3. If any provision of this act or the application
94 thereof to any person or circumstance is held invalid, the
95 invalidity shall not affect other provisions or applications of
96 the act which can be given effect without the invalid provision
97 or application, and to this end the provisions of this act are
98 declared severable.

99 Section 4. This act shall take effect upon becoming a law.