

By Senator Haridopolos

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See HB 179

1 A bill to be entitled
2 An act relating to health care; providing a
3 popular name; amending s. 390.012, F.S.;
4 revising requirements for rules of the Agency
5 for Health Care Administration relating to
6 abortion clinics performing abortions after the
7 first trimester of pregnancy; requiring
8 abortion clinics to develop policies to protect
9 the health, care, and treatment of patients;
10 deleting the requirement that records relating
11 to abortion clinics performing only first
12 trimester pregnancies be maintained as medical
13 records; providing that rules regulating
14 abortion clinics may not impose an
15 unconstitutional burden rather than a legally
16 significant burden on a woman's right to choose
17 to terminate her pregnancy; providing for
18 severability; providing an effective date.

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20 WHEREAS, abortion is an invasive surgical procedure
21 that can lead to numerous and serious medical complications,
22 including, but not limited to, bleeding, hemorrhage,
23 infection, uterine perforation, blood clots, cervical tears,
24 incomplete abortion (retained tissue), failure to actually
25 terminate the pregnancy, free fluid in the abdomen, missed
26 ectopic pregnancies, cardiac arrest, sepsis, respiratory
27 arrest, reactions to anesthesia, fertility problems, emotional
28 problems, and even death, and

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

3 WHEREAS, the risks for abortion are greater after the
4 first trimester of pregnancy, and

5 WHEREAS, the risk of hemorrhage, in particular, is
6 greater after the first trimester of pregnancy, and the
7 resultant complications may require a hysterectomy, other
8 reparative surgery, or a blood transfusion, NOW, THEREFORE,

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

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

14 Section 2. Section 390.012, Florida Statutes, is
15 amended to read:

16 390.012 Powers of agency; rules; disposal of fetal
17 remains.--

18 (1) The agency shall have the authority to develop and
19 enforce rules for the health, care, and treatment of persons
20 in abortion clinics and for the safe operation of such
21 clinics. For clinics that perform abortions in the first
22 trimester of pregnancy only, these rules shall be comparable
23 to rules that ~~which~~ apply to all surgical procedures requiring
24 approximately the same degree of skill and care as the
25 performance of first trimester abortions.

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

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

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

6 (c) Appropriate supplies, facilities, space, and
7 equipment are available, including supplies and equipment that
8 are required to be immediately available for use in an
9 emergency.

10 (d) Appropriate standards for followup care are
11 established and followed.

12 (e) The creation, protection, and preservation of
13 patient records, which shall be treated as medical records
14 under chapters 458 and 459.

15 (3) The rules shall be reasonably related to the
16 preservation of maternal health of the clients. The rules
17 shall be in accordance with s. 797.03 and may not impose an
18 unconstitutional a legally significant burden on a woman's
19 freedom to decide whether to terminate her pregnancy. The
20 rules shall provide for:

21 (a) the performance of pregnancy termination
22 procedures only by a licensed physician.

23 ~~(b) The making, protection, and preservation of~~
24 ~~patient records, which shall be treated as medical records~~
25 ~~under chapter 458.~~

26 (4)(2) The agency may adopt and enforce rules, in the
27 interest of protecting the public health, to ensure the prompt
28 and proper disposal of fetal remains and tissue resulting from
29 pregnancy termination.

30 (5)(3) If any owner, operator, or employee of an
31 abortion clinic fails to dispose of fetal remains and tissue

1 in a manner consistent with the disposal of other human tissue
2 in a competent professional manner, the license of such clinic
3 may be suspended or revoked, and such person is guilty of a
4 misdemeanor of the first degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 Section 3. If any provision of this act or the
7 application thereof to any person or circumstance is held
8 invalid, the invalidity shall not affect other provisions or
9 applications of the act which can be given effect without the
10 invalid provision or application, and to this end the
11 provisions of this act are declared severable.

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

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