

By Senator Cowin

20-228-04

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 abortions performed in abortion clinics;
7 providing for rules regarding abortions
8 performed after the first trimester of
9 pregnancy; requiring abortion clinics to
10 develop policies to protect the health, care,
11 and treatment of patients; providing an
12 effective date.

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

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

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

20 390.012 Powers of agency; rules; disposal of fetal
21 remains.--

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

1 rules that apply to all surgical procedures requiring
2 approximately the same degree of skill and care as the
3 performance of abortions after the first trimester.The rules
4 must ~~shall~~ be reasonably related to the preservation of
5 maternal health of the clients. The rules must be in
6 accordance with s. 797.03 and may ~~shall~~ not impose an
7 unconstitutional ~~a legally significant~~ burden on a woman's
8 freedom to decide whether to terminate her pregnancy. The
9 rules must ~~shall~~ provide for:

10 (a) The performance of pregnancy termination
11 procedures only by a licensed physician. Each abortion clinic
12 shall develop, promulgate, and enforce policies to protect the
13 health, care, and treatment of patients, including policies
14 for obtaining the informed consent of the patient and for
15 postoperative care of patients suffering complications from an
16 abortion.

17 (b) The making, protection, and preservation of
18 patient records, which shall be treated as medical records
19 under chapter 458.

20 Section 3. This act shall take effect July 1, 2004.

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23 SENATE SUMMARY

24 Specifies that rules of the Agency for Health Care
25 Administration relating to abortions performed in
26 abortion clinics must be in accordance with current
27 statutes that stipulate prohibited acts relating to
28 abortions and must not impose an unconstitutional burden
29 on the woman's freedom to decide whether to have an
30 abortion. Provides for agency rules regarding abortions
31 performed after the first trimester of pregnancy.
Requires abortion clinics to develop policies to protect
the health, care, and treatment of patients.