

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Precourt offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Remove line 21 and insert:

5 (3) CONSENTS REQUIRED.--A termination of pregnancy may not
6 be performed or induced except with the voluntary and informed
7 written consent of the pregnant woman or, in the case of a
8 mental incompetent, the voluntary and informed written consent
9 of her court-appointed guardian.

10 (a) Except in the case of a medical emergency, consent to
11 a termination of pregnancy is voluntary and informed only if:

12 1. The physician who is to perform the procedure, or the
13 referring physician, has, at a minimum, orally, in person,
14 informed the woman of:

15 a. The nature and risks of undergoing or not undergoing
16 the proposed procedure that a reasonable patient would consider
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17 material to making a knowing and willful decision of whether to
18 terminate a pregnancy.

19 b. The probable gestational age of the fetus, verified by
20 an ultrasound, at the time the termination of pregnancy is to be
21 performed.

22 (I) The ultrasound must be performed by the physician who
23 is to perform the abortion or person having documented evidence
24 that he or she has completed a course in the operation of
25 ultrasound equipment as prescribed by rule and who is working in
26 conjunction with the physician.

27 (II) The person performing the ultrasound must allow the
28 woman to view the live ultrasound images and a physician, or a
29 registered nurse, licensed practical nurse, advanced registered
30 nurse practitioner, or physician assistant working in
31 conjunction with the physician, must contemporaneously review
32 and explain the live ultrasound images to the woman prior to the
33 woman giving informed consent to having an abortion procedure
34 performed.

35 (III) The woman has a right to decline to view the
36 ultrasound images after she is informed of her right to view
37 them. If the woman declines to view the ultrasound images, the
38 woman shall complete a form acknowledging that she was offered
39 an opportunity to view her ultrasound but that she rejected that
40 opportunity. The form must also indicate that the woman's
41 decision not to view the ultrasound was not based on any undue
42 influence from any third party to discourage her from viewing
43 the images and that she declined to view the images of her own
44 free will.

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45 c. The medical risks to the woman and fetus of carrying
46 the pregnancy to term.

47 2. Printed materials prepared and provided by the
48 department have been provided to the pregnant woman, if she
49 chooses to view these materials, including:

50 a. A description of the fetus, including a description of
51 the various stages of development.

52 b. A list of entities ~~agencies~~ that offer alternatives to
53 terminating the pregnancy.

54 c. Detailed information on the availability of medical
55 assistance benefits for prenatal care, childbirth, and neonatal
56 care.

57 3. The woman acknowledges in writing, before the
58 termination of pregnancy, that the information required to be
59 provided under this subsection has been provided.

60
61 Nothing in this paragraph is intended to prohibit a physician
62 from providing any additional information which the physician
63 deems material to the woman's informed decision to terminate her
64 pregnancy.

65 (b) In the event a medical emergency exists and a
66 physician cannot comply with the requirements for informed
67 consent, a physician may terminate a pregnancy if he or she has
68 obtained at least one corroborative medical opinion attesting to
69 the medical necessity for emergency medical procedures and to
70 the fact that to a reasonable degree of medical certainty the
71 continuation of the pregnancy would threaten the life of the
72 pregnant woman. In the event no second physician is available

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73 for a corroborating opinion, the physician may proceed but shall
74 document reasons for the medical necessity in the patient's
75 medical records.

76 (c) Violation of this subsection by a physician
77 constitutes grounds for disciplinary action under s. 458.331 or
78 s. 459.015. Substantial compliance or reasonable belief that
79 complying with the requirements of informed consent would
80 threaten the life or health of the patient is a defense to any
81 action brought under this paragraph.

82 (12) WAITING PERIOD FOR ABORTION.--No physician shall

83

84 ===== D I R E C T O R Y A M E N D M E N T =====

85 Remove line(s) 18-19 and insert:

86 Section 1. Subsection (3) of section 390.0111, Florida
87 Statutes, is amended, and subsection (12) is added to that
88 section, to read:

89

90 ===== T I T L E A M E N D M E N T =====

91 Remove line 2 and insert:

92 An act relating to abortion; amending s. 390.0111,
93 F.S.; requiring an ultrasound be performed on any
94 woman obtaining an abortion; specifying who must
95 perform an ultrasound; providing that the ultrasound
96 must be reviewed with the patient prior to the woman
97 giving informed consent; specifying who must review
98 the ultrasound with the patient; providing that a
99 woman must certify in writing that she declined to
100 review the ultrasound and did so of her own free will

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101 | without undue influence; revising requirements for
102 | written materials;