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CHAMBER ACTION

Senate

House

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Floor: 2/WD/2R
4/29/2008 10:34 AM

1 Senator Webster moved the following substitute for amendment
2 (445744) :

3
4 Senate Amendment (with title amendment)

5 Delete lines 43 through 114
6 and insert:

7 b. The probable gestational age of the fetus, verified by
8 an ultrasound, at the time the termination of pregnancy is to be
9 performed.

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

15 (II) The person performing the ultrasound must allow the
16 woman to view the live ultrasound images, and a physician or a
17 registered nurse, licensed practical nurse, advanced registered

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18 nurse practitioner, or physician assistant working in conjunction
19 with the physician must contemporaneously review and explain the
20 live ultrasound images to the woman prior to the woman giving
21 informed consent to having an abortion procedure performed.
22 However, this sub-sub-subparagraph does not apply if, at the time
23 the woman schedules or arrives for her appointment to obtain an
24 abortion, a copy of a restraining order, police report, medical
25 record, or other court order or documentation is presented that
26 evidences that the woman is obtaining the abortion because the
27 woman is a victim of rape, incest, domestic violence, or human
28 trafficking or that the woman has been diagnosed with a condition
29 that, on the basis of a physician's good faith clinical judgment,
30 would create a serious risk of substantial and irreversible
31 impairment of a major bodily function if the woman delayed
32 terminating her pregnancy.

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

43 c. The medical risks to the woman and fetus of carrying the
44 pregnancy to term.

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



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48 | a. A description of the fetus, including a description of
49 | the various stages of development.

50 | b. A list of entities ~~agencies~~ that offer alternatives to
51 | terminating the pregnancy.

52 | c. Detailed information on the availability of medical
53 | assistance benefits for prenatal care, childbirth, and neonatal
54 | care.

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

58 |
59 | Nothing in this paragraph is intended to prohibit a physician
60 | from providing any additional information which the physician
61 | deems material to the woman's informed decision to terminate her
62 | pregnancy.

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

73 | (c) Violation of this subsection by a physician constitutes
74 | grounds for disciplinary action under s. 458.331 or s. 459.015.
75 | Substantial compliance or reasonable belief that complying with
76 | the requirements of informed consent would threaten the life or



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77 health of the patient is a defense to any action brought under
78 this paragraph.

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

82 And the title is amended as follows:

83

84 Delete lines 3 through 15

85 and insert:

86 requiring that an ultrasound be performed on any woman
87 obtaining an abortion; specifying who must perform an
88 ultrasound; requiring that the ultrasound be reviewed with
89 the patient prior to the woman giving informed consent;
90 specifying who must review the ultrasound with the
91 patient; requiring that the woman certify in writing that
92 she declined to review the ultrasound and did so of her
93 own free will and without undue influence; providing an
94 exemption from the requirement to view the ultrasound for
95 women who are the victims of rape, incest, domestic
96 violence, or human trafficking or for women who have a
97 serious medical condition necessitating the abortion;
98 revising requirements for written materials; amending s.