

By Senator Wise

5-01642-11

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1 A bill to be entitled
2 An act relating to infants born alive; creating s.
3 390.01112, F.S.; providing a short title; providing
4 definitions; providing that an infant born alive
5 subsequent to an abortion is entitled to the same
6 rights, powers, and privileges as a child born alive
7 in the course of a birth that is not subsequent to an
8 abortion; providing a standard of care to be exercised
9 by health care practitioners toward such a child;
10 requiring health care practitioners to report
11 violations; providing that violations may constitute
12 grounds for discipline of health care practitioners
13 under a specified provision; providing an effective
14 date.

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

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18 Section 1. Section 390.01112, Florida Statutes, is created
19 to read:

20 390.01112 Born Alive Infant Protection Act.—

21 (1) This section may be cited as the "Born Alive Infant
22 Protection Act."

23 (2) As used in this section, the term:

24 (a) "Born alive" means the complete expulsion or extraction
25 from his or her mother of a human infant, at any stage of
26 development, who after such expulsion or extraction breathes or
27 has a beating heart, pulsation of the umbilical cord, or
28 definite movement of voluntary muscles, regardless of whether
29 the umbilical cord has been cut and regardless of whether the

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30 expulsion or extraction occurs as a result of natural or induced
31 labor, cesarean section, induced abortion, or other method.

32 (b) "Health care practitioner" has the same meaning as
33 provided in s. 456.001.

34 (3) An infant born alive subsequent to an abortion is
35 entitled to the same rights, powers, and privileges as are
36 granted by the laws of this state to any other child born alive
37 in the course of a birth that is not subsequent to an abortion.

38 (4) If an infant is born alive subsequent to an abortion, a
39 health care practitioner present at the time must humanely
40 exercise the same level of professional skill, care, and
41 diligence to preserve the life and health of the infant as would
42 be rendered by a health care practitioner to an infant born
43 alive in the course of a birth that is not subsequent to an
44 abortion.

45 (5) A health care practitioner who has actual knowledge of
46 a violation of this section must report the violation to the
47 department.

48 (6) A violation of this section by a health care
49 practitioner is a violation of s. 456.072(1)(k).

50 Section 2. This act shall take effect July 1, 2011.