

HB 747

2011

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 rights,  
 6 powers, and privileges as a child born alive in the course  
 7 of a birth that is not subsequent to an abortion;  
 8 providing a standard of care to be exercised by health  
 9 care practitioners toward such a child; requiring health  
 10 care practitioners to report violations; providing that  
 11 violations may constitute grounds for discipline of health  
 12 care practitioners under a specified provision; providing  
 13 an effective date.

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

16  
 17 Section 1. Section 390.01112, Florida Statutes, is created  
 18 to read:

19 390.01112 Born Alive Infant Protection Act.—

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

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

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

HB 747

2011

29 whether the expulsion or extraction occurs as a result of  
30 natural or induced labor, cesarean section, induced abortion, or  
31 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,  
39 a 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 with actual knowledge of a  
46 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 shall be considered a violation of s.  
50 456.072 (1) (k).

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