

1                   A bill to be entitled  
 2           An act relating to dismemberment abortion; amending s.  
 3           390.011, F.S.; defining the term "dismemberment  
 4           abortion"; amending s. 390.0111, F.S.; prohibiting  
 5           dismemberment abortion; providing an exception;  
 6           providing penalties; providing an effective date.

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

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 10       Section 1. Subsections (6) through (13) of section  
 11       390.011, Florida Statutes, are renumbered as subsections (7)  
 12       through (14), respectively, and a new subsection (6) is added to  
 13       that section to read:

14       390.011 Definitions.—As used in this chapter, the term:  
 15       (6) "Dismemberment abortion" means an abortion in which a  
 16       person, with the purpose of causing the death of a fetus,  
 17       dismembers the living fetus and extracts the fetus one piece at  
 18       a time from the uterus through the use of clamps, grasping  
 19       forceps, tongs, scissors, or a similar instrument that, through  
 20       the convergence of two rigid levers, slices, crushes, or grasps,  
 21       or performs any combination of those actions on, a piece of the  
 22       fetus' body to cut or rip the piece from the body. The term does  
 23       not include an abortion that uses suction to dismember the body  
 24       of a fetus by sucking pieces of the fetus into a collection  
 25       container.

26 Section 2. Subsections (6) through (15) of section  
 27 390.0111, Florida Statutes, are renumbered as subsections (7)  
 28 through (16), respectively, a new subsection (6) is added to  
 29 that section, and present subsection (10) of that section is  
 30 amended, to read:

31 390.0111 Termination of pregnancies.—

32 (6) DISMEMBERMENT ABORTION PROHIBITED; EXCEPTION.—

33 (a) No physician shall knowingly perform a dismemberment  
 34 abortion.

35 (b) A woman upon whom a dismemberment abortion is  
 36 performed may not be prosecuted under this section for a  
 37 conspiracy to violate the provisions of this section.

38 (c) This subsection does not apply to a dismemberment  
 39 abortion that is necessary to save the life of a mother whose  
 40 life is endangered by a physical disorder, illness, or injury,  
 41 provided that no other medical procedure would suffice for that  
 42 purpose.

43 (11)-(10) PENALTIES FOR VIOLATION.—Except as provided in  
 44 subsections (3), (8) ~~(7)~~, and (13) ~~(12)~~:

45 (a) Any person who willfully performs, or actively  
 46 participates in, a termination of pregnancy in violation of the  
 47 requirements of this section or s. 390.01112 commits a felony of  
 48 the third degree, punishable as provided in s. 775.082, s.  
 49 775.083, or s. 775.084.

50 (b) Any person who performs, or actively participates in,

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51 a termination of pregnancy in violation of this section or s.  
52 390.01112 which results in the death of the woman commits a  
53 felony of the second degree, punishable as provided in s.  
54 775.082, s. 775.083, or s. 775.084.

55 Section 3. This act shall take effect July 1, 2018.