



171258

LEGISLATIVE ACTION

Senate

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House

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Floor: 12/F/2R

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03/30/2023 05:59 PM

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Senator Jones moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 216 - 224

and insert:

(2) PERFORMANCE BY PHYSICIAN REQUIRED.—Only a physician may perform or induce a ~~No~~ termination of pregnancy ~~shall be performed at any time except by a physician as defined in s. 390.011.~~

(3) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the pregnant woman or, in the case of a



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12 mental incompetent, the voluntary and informed written consent
13 of her court-appointed guardian.

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

16 1. The physician who is to perform the procedure, or the
17 referring physician, has, at a minimum, orally, while physically
18 present in the same room, and at least 24 hours before the
19 procedure, informed the woman of:

20 a. The nature and risks of undergoing or not undergoing the
21 proposed procedure that a reasonable patient would consider
22 material to making a knowing and willful decision of whether to
23 terminate a pregnancy.

24 b. The probable gestational age of the fetus, verified by
25 an ultrasound, at the time the termination of pregnancy is to be
26 performed.

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

32 (II) The person performing the ultrasound must offer the
33 woman the opportunity to view the live ultrasound images and
34 hear an explanation of them. If the woman accepts the
35 opportunity to view the images and hear the explanation, a
36 physician or a registered nurse, licensed practical nurse,
37 advanced practice registered nurse, or physician assistant
38 working in conjunction with the physician must contemporaneously
39 review and explain the images to the woman before the woman
40 gives informed consent to having an abortion procedure



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41 performed.

42 (III) The woman has a right to decline to view and hear the
43 explanation of the live ultrasound images after she is informed
44 of her right and offered an opportunity to view the images and
45 hear the explanation. If the woman declines, the woman shall
46 complete a form acknowledging that she was offered an
47 opportunity to view and hear the explanation of the images but
48 that she declined that opportunity. The form must also indicate
49 that the woman's decision was not based on any undue influence
50 from any person to discourage her from viewing the images or
51 hearing the explanation and that she declined of her own free
52 will.

53 (IV) Unless requested by the woman, the person performing
54 the ultrasound may not offer the opportunity to view the images
55 and hear the explanation and the explanation may not be given
56 if, at the time the woman schedules or arrives for her
57 appointment to obtain an abortion, a copy of a restraining
58 order, police report, medical record, or other court order or
59 documentation is presented which provides evidence that the
60 woman is obtaining the abortion because the woman is a victim of
61 rape, incest, domestic violence, or human trafficking or that
62 the woman has been diagnosed as having a condition that, on the
63 basis of a physician's good faith clinical judgment, would
64 create a serious risk of substantial and irreversible impairment
65 of a major bodily function if the woman delayed terminating her
66 pregnancy.

67 c. The medical risks to the woman and fetus of carrying the
68 pregnancy to term.

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70 The physician may provide the information required in this
71 subparagraph through telehealth as defined in s. 456.47 if the
72 pregnant woman resides more than 100 miles from the nearest
73 abortion provider. The physician may provide the information
74 required in this subparagraph within 24 hours before the
75 procedure if requested by the woman at the time she schedules or
76 arrives for her appointment to obtain an abortion and if she
77 presents to the physician a copy of a restraining order, police
78 report, medical record, or other court order or documentation
79 evidencing that she is obtaining the abortion because she is a
80 victim of rape, incest, domestic violence, or human trafficking.

81 2. Printed materials prepared and provided by the
82 department have been provided to the pregnant woman, if she
83 chooses to view these materials, including:

84 a. A description of the fetus, including a description of
85 the various stages of development.

86 b. A list of entities that offer alternatives to
87 terminating the pregnancy.

88 c. Detailed information on the availability of medical
89 assistance benefits for prenatal care, childbirth, and neonatal
90 care.

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

94
95 Nothing in this paragraph is intended to prohibit a physician
96 from providing any additional information which the physician
97 deems material to the woman's informed decision to terminate her
98 pregnancy.



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100 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

101 And the directory clause is amended as follows:

102 Delete line 180

103 and insert:

104 Section 3. Subsections (1) and (2), paragraph (a) of
105 subsection (3), and subsections (10) and (13) of section

106

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

108 And the title is amended as follows:

109 Delete lines 28 - 33

110 and insert:

111 authorizing a physician to use telehealth to provide
112 specified information for purposes of obtaining
113 informed consent for an abortion procedure under
114 certain circumstances; conforming