

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

Amendment (with directory and title amendments)

Between lines 234 and 235, insert:

(3) CONSENT ~~CONSENTS~~ REQUIRED.—Except in the case of a medical emergency as provided in paragraph (b), 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 mental incompetent, the voluntary and informed written consent of her court-appointed guardian.

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

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

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

21 b. The probable gestational age of the fetus, verified by
22 an ultrasound, at the time the termination of pregnancy is to be
23 performed.

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

29 (II) The person performing the ultrasound must offer the
30 woman the opportunity to view the live ultrasound images and
31 hear an explanation of them. If the woman accepts the
32 opportunity to view the images and hear the explanation, a
33 physician or a registered nurse, licensed practical nurse,
34 advanced practice registered nurse, or physician assistant
35 working in conjunction with the physician must contemporaneously
36 review and explain the images to the woman before the woman

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37 | gives informed consent to having an abortion procedure
38 | performed.

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

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

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62 of a major bodily function if the woman delayed terminating her
63 pregnancy.

64 c. The medical risks to the woman and fetus of carrying
65 the pregnancy to term.

66
67 ~~The physician may provide the information required in this~~
68 ~~subparagraph within 24 hours before the procedure if requested~~
69 ~~by the woman at the time she schedules or arrives for her~~
70 ~~appointment to obtain an abortion and if she presents to the~~
71 ~~physician a copy of a restraining order, police report, medical~~
72 ~~record, or other court order or documentation evidencing that~~
73 ~~she is obtaining the abortion because she is a victim of rape,~~
74 ~~incest, domestic violence, or human trafficking.~~

75 2. Printed materials prepared and provided by the
76 department have been provided to the pregnant woman, if she
77 chooses to view these materials, including:

78 a. A description of the fetus, including a description of
79 the various stages of development.

80 b. A list of entities that offer alternatives to
81 terminating the pregnancy.

82 c. Detailed information on the availability of medical
83 assistance benefits for prenatal care, childbirth, and neonatal
84 care.

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

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89 Nothing in this paragraph is intended to prohibit a physician
90 from providing any additional information which the physician
91 deems material to the woman's informed decision to terminate her
92 pregnancy.

93 (b) If a medical emergency exists and a physician cannot
94 comply with the requirements for informed consent, a physician
95 may terminate a pregnancy if he or she has obtained at least one
96 corroborative medical opinion attesting to the medical necessity
97 for emergency medical procedures and to the fact that to a
98 reasonable degree of medical certainty the continuation of the
99 pregnancy would threaten the life of the pregnant woman. If a
100 second physician is not available for a corroborating opinion,
101 the physician may proceed but shall document reasons for the
102 medical necessity in the patient's medical records.

103 (c) Violation of this subsection by a physician
104 constitutes grounds for disciplinary action under s. 458.331 or
105 s. 459.015. Substantial compliance or reasonable belief that
106 complying with the requirements of informed consent would
107 threaten the life or health of the patient is a defense to any
108 action brought under this paragraph.

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D I R E C T O R Y A M E N D M E N T

Remove line 186 and insert:

Section 3. Subsections (1), (2), (3), (10), and (13) of
section

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

Remove line 38 and insert:

provisions to changes made by the act; deleting a
requirement that a physician provide certain
information to a pregnant woman at least 24 hours
before an abortion procedure; repealing s.