

1 A bill to be entitled
2 An act relating to health care autonomy; creating s.
3 381.0026, F.S.; providing a short title; defining
4 terms; providing legislative findings; establishing
5 the fundamental right to reproductive health care;
6 providing that every individual has a fundamental
7 right to make autonomous decisions about the
8 individual's own reproductive health; providing that
9 individuals who become pregnant have a fundamental
10 right to make certain decisions in exercise of such
11 right; prohibiting the state from denying or
12 interfering with an individual's right to access
13 reproductive health care; prohibiting state and local
14 law enforcement agencies and officials from harassing
15 or discriminating against an individual for providing
16 or obtaining reproductive health care or assisting
17 another person in doing so; prohibiting such state and
18 local entities from penalizing, prosecuting, or
19 otherwise taking adverse action against an individual
20 for exercising specified rights, or against an
21 individual for assisting another in exercising such
22 rights; providing individuals with immunity from civil
23 liability for exercising specified rights or aiding or
24 assisting another in exercising such rights; providing
25 that a fertilized egg, embryo, or fetus does not have

independent rights under the laws of this state;
prohibiting local units of government from regulating
an individual's ability to exercise the right to
reproductive health care in a manner more restrictive
than that set forth in specified provisions; providing
applicability, construction, and severability;
repealing ss. 286.31, 381.00321, and 765.113, F.S.,
relating to prohibited use of state funds, the right
of medical conscience of health care providers and
health care payors, and restrictions on providing
consent for specified activities, respectively;
providing an effective date.

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

**Section 1. Section 381.0026, Florida Statutes, is created
to read:**

381.0026 Reproductive freedom.—

(1) SHORT TITLE.—This section may be cited as the
"Reproductive Freedom Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Abortion" means any medical treatment intended to
induce the termination of a pregnancy. The term does not include
management of or care for a miscarriage.

(b) "Pregnancy" means the human reproductive process

51 beginning with an implanted human embryo.

52 (c) "Reproductive health care" means health care offered,
53 arranged, or furnished for the purpose of preventing pregnancy,
54 terminating a pregnancy, managing pregnancy loss, or improving
55 maternal health. The term includes, but is not limited to,
56 contraception, sterilization, preconception care, maternity
57 care, abortion care, family planning, and fertility services.

58 (3) FUNDAMENTAL RIGHT TO REPRODUCTIVE HEALTH CARE.—The
59 State Constitution establishes the principles of individual
60 liberty, personal privacy, and equality. The Legislature finds
61 that such principles ensure the fundamental right to
62 reproductive health care. Notwithstanding chapter 390 and any
63 other law, the right to reproductive health care includes, but
64 is not limited to, all of the following rights and protections:

65 (a) Every individual has a fundamental right to make
66 autonomous decisions about the individual's own reproductive
67 health, including the right to use or refuse reproductive health
68 care.

69 (b) Every individual who becomes pregnant has a
70 fundamental right to choose whether to continue the pregnancy
71 and give birth or to obtain an abortion and to make autonomous
72 decisions about how to exercise this fundamental right.

73 (c) The state may not deny or interfere with an
74 individual's fundamental right to access reproductive health
75 care.

76 (4) HARASSMENT, DISCRIMINATION, CIVIL LIABILITY, AND
77 PROSECUTION FOR REPRODUCTIVE HEALTH CARE PROHIBITED.—

78 (a) State or local law enforcement agencies or officials
79 may not harass or discriminate against an individual for
80 providing or obtaining reproductive health care or assisting
81 another person in doing so.

82 (b) State or local law enforcement agencies or officials
83 may not penalize, prosecute, or otherwise take adverse action
84 against individuals based on such individual's own exercise of
85 the fundamental rights under this section or such individual's
86 own actual, potential, perceived, or alleged pregnancy outcomes,
87 including miscarriage, stillbirth, or abortion. State and local
88 law enforcement agencies and officials may not penalize,
89 prosecute, or otherwise take adverse action against any
90 individual for aiding or assisting another individual in
91 exercising that other individual's right to reproductive health
92 care with voluntary consent.

93 (c) An individual may not be subject to civil liability
94 for exercising the individual's fundamental rights under this
95 section. An individual who aids or assists another individual in
96 exercising the fundamental rights under this section may not be
97 subject to civil liability for his or her actions in aiding or
98 assisting in the exercise of such fundamental rights.

99 (d) A fertilized egg, embryo, or fetus does not have
100 independent rights under the laws of this state.

101 (5) LIMITATION.—A local unit of government may not
102 regulate an individual's ability to freely exercise the
103 fundamental right to reproductive health care in a manner that
104 is more restrictive than that set forth in this section.

105 (6) APPLICABILITY.—This section applies to all state and
106 local laws, ordinances, regulations, rules, policies,
107 procedures, practices, and government actions.

108 (7) CONSTRUCTION.—This section supersedes any provision of
109 chapter 390 in conflict with this section.

110 (8) SEVERABILITY.—If any provision of this section or its
111 application to any person or circumstance is held invalid, the
112 invalidity does not affect other provisions or applications of
113 the section which can be given effect without the invalid
114 provision or application, and to this end the provisions of this
115 section are severable.

116 **Section 2.** Section 286.31, Florida Statutes, is repealed.

117 **Section 3.** Section 381.00321, Florida Statutes, is
118 repealed.

119 **Section 4.** Section 765.113, Florida Statutes, is repealed.

120 **Section 5.** This act shall take effect upon becoming a law.