An act relating to informed patient consent; amending s. 390.0111, F.S.; revising conditions for the voluntary and informed consent to a termination of pregnancy; reenacting s. 390.012(3)(d), F.S., relating to Agency for Health Care Administration rules regarding medical screening and evaluation of abortion clinic patients, to incorporate the amendment made by this act to s. 390.0111, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 390.0111, Florida Statutes, is amended to read:

390.0111 Termination of pregnancies.—

(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 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:

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

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

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

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

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

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

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

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

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

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:
   a. A description of the fetus, including a description of the various stages of development.
   b. A list of entities that offer alternatives to terminating the pregnancy.
   c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.

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

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

Section 2. For the purpose of incorporating the amendment
made by this act to section 390.0111, Florida Statutes, in a
reference thereto, paragraph (d) of subsection (3) of section
390.012, Florida Statutes, is reenacted to read:
390.012  Powers of agency; rules; disposal of fetal
remains.—
(3) For clinics that perform or claim to perform abortions
after the first trimester of pregnancy, the agency shall adopt
rules pursuant to ss. 120.536(1) and 120.54 to implement the
provisions of this chapter, including the following:
(d) Rules relating to the medical screening and evaluation
of each abortion clinic patient. At a minimum, these rules shall
require:
1. A medical history including reported allergies to
medications, antiseptic solutions, or latex; past surgeries; and
an obstetric and gynecological history.
2. A physical examination, including a bimanual
examination estimating uterine size and palpation of the adnexa.
3. The appropriate laboratory tests, including:
a. Urine or blood tests for pregnancy performed before the
abortion procedure.
b. A test for anemia.
c. Rh typing, unless reliable written documentation of
blood type is available.
d. Other tests as indicated from the physical examination.
4. An ultrasound evaluation for all patients. The rules
shall require that if a person who is not a physician performs
an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed in rule. The rules shall require clinics to be in compliance with s. 390.0111.

5. That the physician is responsible for estimating the gestational age of the fetus based on the ultrasound examination and obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rule and shall write the estimate in the patient's medical history. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file.

Section 3. This act shall take effect July 1, 2015.