By Senator Flores

A bill to be entitled
An act relating to termination of pregnancies;
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.

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.