

1 A bill to be entitled
 2 An act relating to disability abortions; amending s.
 3 390.011, F.S.; providing definitions; amending s.
 4 390.0111, F.S.; prohibiting a physician from
 5 performing or inducing, or attempting to perform or
 6 induce, a disability abortion; providing immunity from
 7 prosecution for a woman upon whom such abortion is
 8 performed; providing an exception; conforming
 9 provisions to changes made by the act; creating s.
 10 381.990, F.S.; requiring the Department of Health to
 11 publish on its website and update annually specified
 12 educational information on prenatal genetic disorders;
 13 creating s. 456.52, F.S.; requiring health care
 14 practitioners to provide such information to patients
 15 under certain circumstances; providing an effective
 16 date.

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

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 20 Section 1. Subsections (6) through (13) of section
 21 390.011, Florida Statutes, are renumbered as subsections (8)
 22 through (15), respectively, and new subsections (6) and (7) are
 23 added to that section, to read:

24 390.011 Definitions.—As used in this chapter, the term:
 25 (6) "Disability" means any disease, defect, or disorder

- 26 | that is genetically inherited including, but not limited to:
- 27 | (a) A physical disability;
- 28 | (b) A mental or intellectual disability;
- 29 | (c) A physical disfigurement;
- 30 | (d) Down syndrome;
- 31 | (e) Scoliosis;
- 32 | (f) Dwarfism;
- 33 | (g) Albinism;
- 34 | (h) Amelia; or
- 35 | (i) A physical or mental disease.

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37 | The term does not include a lethal fetal anomaly.

38 | (7) "Disability abortion" means an abortion in which the

39 | physician performing the termination of pregnancy knows, or

40 | should know, that the pregnant woman is seeking the termination

41 | of pregnancy solely on the basis of a prenatal diagnosis, test,

42 | or screening indicating a disability or the potential for a

43 | disability in the fetus.

44 | Section 2. Subsections (6) through (15) of section

45 | 390.0111, Florida Statutes, are renumbered as subsections (7)

46 | through (16), respectively, present subsection (10) is amended,

47 | and a new subsection (6) is added to that section, to read:

48 | 390.0111 Termination of pregnancies.—

49 | (6) DISABILITY ABORTION PROHIBITED; EXCEPTION.—

50 | (a) A physician may not perform or induce, or attempt to

51 perform or induce, a disability abortion.

52 (b) A woman upon whom a disability abortion is performed
53 may not be prosecuted under this section for a conspiracy to
54 violate the provisions of this section.

55 (c) This subsection does not apply to a disability
56 abortion that is necessary to save the life of a mother whose
57 life is endangered by a physical disorder, illness, or injury,
58 provided that no other medical procedure would suffice for that
59 purpose.

60 (11)-(10) PENALTIES FOR VIOLATION.—Except as provided in
61 subsections (3), (8), and (13) ~~(7)~~, and ~~(12)~~:

62 (a) Any person who willfully performs, or actively
63 participates in, a termination of pregnancy in violation of the
64 requirements of this section or s. 390.01112 commits a felony of
65 the third degree, punishable as provided in s. 775.082, s.
66 775.083, or s. 775.084.

67 (b) Any person who performs, or actively participates in,
68 a termination of pregnancy in violation of this section or s.
69 390.01112 which results in the death of the woman commits a
70 felony of the second degree, punishable as provided in s.
71 775.082, s. 775.083, or s. 775.084.

72 Section 3. Section 381.990, Florida Statutes, is created
73 to read:

74 381.990 Educational information on prenatal genetic
 75 disorders.—The Department of Health shall publish on its website
 76 and update annually:

77 (1) Evidence-based information about prenatal genetic
 78 disorders including, but not limited to, Down syndrome,
 79 scoliosis, dwarfism, albinism, and amelia. The department shall
 80 include information reviewed by medical experts and national
 81 organizations regarding the following:

82 (a) Physical, developmental, educational, and psychosocial
 83 outcomes.

84 (b) Life expectancy.

85 (c) Clinical course.

86 (d) Intellectual and functional development.

87 (e) Treatment options.

88 (f) Any other information the department deems necessary.

89 (2) Information regarding resources and support services
 90 for families, including information hotlines, relevant resource
 91 centers or clearinghouses, national and local support
 92 organizations, and education and support programs.

93 Section 4. Section 456.52, Florida Statutes, is created to
 94 read:

95 456.52 Dissemination of educational information on
 96 prenatal genetic disorders.—A health care practitioner that
 97 administers or orders a screening or diagnostic test for a
 98 prenatal genetic disorder shall, upon receiving a test result

99 | indicating a prenatal genetic disorder or the potential for a
100 | prenatal genetic disorder, provide the patient educational
101 | information made available by the department under s. 381.990.
102 | The health care practitioner may provide the educational
103 | information in written or electronic form.

104 | Section 5. This act shall take effect July 1, 2021.