



To: Senate Appropriations Subcommittee on Health and Human Services  
From: Michelle Richardson, Director of Public Policy & Advocacy  
Date: February 17, 2016  
Re: **Vote “NO” on HB 1411 / SB 1722, Unnecessary Regulation of Abortion Providers**

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We urge you to vote “no” on HB1411/SB 1722 because it jeopardizes women’s health with regulations that inappropriately target abortion providers. Most notably, it would force abortion providers to obtain transfer agreements or admitting privileges at a nearby hospital even though there is no evidence that those privileges would make this safe procedure any better for the woman who has it. The Florida legislature should instead be advocating policies that support women’s decision making, advance women’s health and well-being, and ensure strong, healthy families – including the right to make private reproductive health care decisions.

**Abortion is already safe and medical professionals oppose admitting privileges like the ones contained in this bill.**

HB 1411 / SB 1722 would require abortion clinics that provide first trimester abortions to obtain a transfer agreement on behalf of the clinic or for each doctor who performs abortions to have admitting privileges at a nearby hospital. It would additionally require clinics that perform second trimester abortions to have every doctor specifically obtain admitting privileges at a local hospital. Under current regulations, only clinics that perform second trimester abortions are regulated in this area and they permit a clinic medical director to obtain either a transfer agreement on behalf of the facility or personally have admitting privileges somewhere in the state of Florida. We strongly urge you to vote “yes” on the Bean amendment that while leaving this new first trimester regulation in place, would ensure that second trimester facilities have the option of obtaining either admitting privileges OR transfer agreements.

The bill additionally bans fetal tissue donation, increases facility and record inspections by the state, changes the definition of each trimester, and requires entities or people who refer women to abortion providers to register with the state.<sup>1</sup>

Abortion is one of the safest medical procedures in modern medicine, with a 99% safety record and safer than a shot of penicillin. There is simply no medical justification for imposing targeted, onerous burdens specifically on those who provide abortion care. Rather, this bill is part of a politically motivated attack aimed at closing clinics by imposing restrictions that are impossible to meet, thereby blocking women’s access to abortion. That is why medical experts like the American Medical

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<sup>1</sup> The sale of fetal tissue is already illegal under state and federal law and section 7 of the bill would ban donation of tissue for medical research in Florida as well.

Association and American College of Obstetricians and Gynecologists oppose this type of admitting privileges requirement.

**Admitting privilege laws have been found unconstitutional in several states and the Supreme Court will rule on a similar law by June.**

The purpose of this bill is not to protect patient safety, but to make abortion care more difficult to obtain. And the bill could indeed achieve its goal, creating substantial obstacles for a woman seeking abortion care in Florida and raising substantial constitutional concerns about the right to make reproductive health decisions. Decades of U.S. Supreme Court precedent protect this right, including the decisions to become pregnant, to carry a pregnancy to term, to avoid pregnancy through contraception, and to terminate a pregnancy. See *Planned Parenthood v. Casey*, 505 U.S. 833 (1992); *Roe v. Wade*, 410 U.S. 113 (1973). By threatening to close clinics, HB 1411 / SB 1722 runs afoul of these principles and places an unconstitutional burden on a woman who needs to end a pregnancy. Similar attempts to prevent access to abortion care in other states have resulted in ongoing legal battles and court orders blocking the enforcement of such laws. In fact, the U.S. Supreme Court is currently considering two similar Texas laws that target only abortion clinics for medically unnecessary restrictions, and will decide that case this coming June. That Court should recognize that bills that threaten to close clinics are constitutionally suspect and harmful to women's health, just as the courts that have blocked these laws from taking effect in Alabama, Louisiana, Mississippi, Oklahoma, and Wisconsin.

We may not all agree on the issue of abortion, but we should all agree that it is important to support a woman's health and well-being. When a woman has decided to end her pregnancy, it is important that she have access to safe medical care, but this bill could close the very clinics that provide that care. To be clear, this bill poses an even greater obstacle than the harmful 24 hour mandatory delay passed by this Legislature last year. By threatening to shutter clinic doors, this bill further jeopardizes women's health and exposes the state to the risk of expensive litigation at a time when we can least afford it. We urge you to oppose HB 1411/ SB 1722.