



Florida Abortion Law as of May 1, 2023

Summary of the Law: Florida HB 5, effective July 1, 2022, banned access to abortion procedures beyond the gestational age of 15 weeks. Florida abortions were previously lawful until the 26-week mark. Governor DeSantis signed Florida HB 7 on April 13, 2023, which would further restrict abortion to the 6-week mark absent meeting an exception. As of May 1, 2023, the Florida Supreme Court is deciding on the legality of the 15-week ban currently in effect. Until and if the Court decides HB 5 is lawful, the 6-week ban will not go into effect.

To whom does this Law apply? HB 5 applies to pregnant women seeking abortions, Florida physicians that offer abortions, and abortion agencies that assist women in obtaining an abortion.

What is the impact of this Law? Proponents of this Law argue that the Law will help put a stop to “the gravest mass human rights abuse of our time”. The life of a fetus, proponents argue, begins at fertilization, where sex, eye color, and other traits are immediately formed, while said life merely continues to develop after the fact. Proponents argue that abortion constitutes discrimination of someone’s personhood on the basis of their age. Proponents also support the Law on the basis of preventing expectant mothers from experiencing prolonged grieving associated with abortions. A National Library of Medicine study found that 44% of women who received abortions later regretted their decision and that nearly half of women who received abortions suffer from depression and other adverse psychological effects, even for as long as ten years later.

Opponents of this Law argue that being pro-choice, and not placing restrictions on abortion procedures, means being pro-woman. Opponents point out that because 1 in 4 women will have an abortion at some point in their lives, significant weight should be given to the needs and circumstances of those already alive, not an unborn fetus. Abortion access, opponents point out, means freedom from additional financial constraints, relationship difficulties, and pressures. Mostly, opponents argue that women have a fundamental right to privacy, which includes bodily autonomy and not being deduced to the role of a vessel to bring an unborn baby into the world. Opponents cite research, including findings published by UC San Francisco, that demonstrates nearly all women who have abortions stand by their decision years later, even if it was a difficult decision at the time. Opponents emphasize above all that pro-choice does not mean pro-abortion.

What types of abortions does the Law restrict? The Law prohibits any Florida physician from performing an abortion beyond 15 weeks. The Law doesn’t apply to medical abortions, otherwise known as abortion pills, because they are effective only until the 10th week of pregnancy.

Are there any exceptions to the Law? Yes, there are three. The first two exemptions provide that a physician may perform an abortion beyond 15 weeks if (i) two physicians certify in writing, in reasonable medical judgment, that the termination is necessary to save the woman’s life or avert a serious risk of substantial and irreversible impairment of a major bodily function not including a psychological condition or (ii) one physician certifies the same in writing provided that the risk is *imminent* in nature and a second physician is not available for consultation.

The third exception allows a physician to perform an abortion if the fetus (i) has not achieved viability and (ii) two physicians certify in writing, in reasonable medical judgment, that the fetus has a fatal fetal abnormality. To determine viability, a physician must perform a medical exam





using reasonably available tests, including an ultrasound. A fetus has a fatal fetal abnormality if it has a terminal condition that isn't compatible with life outside of the womb and will result in death upon or soon after birth. No exceptions to the Law exist for pregnancies caused by rape or incest.

Abortion Restrictions in Other States: Except for 6 states and Washington, DC, all U.S. States have some restriction on abortion access, ranging from an outright ban to 28 weeks gestational age. The list below details how Visit Orlando's competitive set has approached abortion.

- Arizona – Effective September 2022
 - Ban at 15 weeks. Performing an abortion after 15 weeks is a felony punishable by up to 5 years in prison.
 - Exception: To save the pregnant woman's life.
- Georgia – Effective July 2022
 - Ban at 6 weeks. Performing an abortion after 6 weeks is a felony punishable by up to 10 years in prison.
 - Exceptions:
 - To save the pregnant woman's life.
 - To preserve the pregnant woman's physical health.
 - If the fetus is not expected to survive pregnancy.
 - Where the pregnancy resulted from rape or incest.
- Illinois – Effective June 2022
 - Ban at viability, usually between 24 and 26 weeks. Performing an abortion after viability is a felony punishable by up to 7 years in prison.
 - Exceptions:
 - To save the pregnant woman's life.
 - To preserve the pregnant woman's general health, including mental health.
- Nevada – Effective July 2019
 - Ban at 24 weeks. Performing an abortion after 24 weeks is a felony punishable by up to 10 years in prison.
 - Exceptions:
 - To save the pregnant woman's life.
 - To preserve the pregnant woman's general health, including mental health.
- Tennessee – Effective August 2022
 - Complete abortion ban. Performing an abortion is a felony punishable by up to 15 years in prison.
 - No exceptions. Lawmakers are divided over adding exceptions.
- Texas – Effective July 2022
 - Complete abortion ban. Performing an abortion is a felony punishable by up to life in prison.
 - Exceptions:
 - To save the pregnant woman's life
 - To prevent serious risk to the pregnant woman's physical health
- District of Columbia – No abortion ban.

