



Heartbeat Protection Act as of September 10, 2025

Summary of the Law: Effective on May 1, 2024, SB 300, known as the Heartbeat Protection Act, (“SB 300” or “Law”) bans access to abortion procedures beyond 6 weeks, absent meeting an exception. This comes after the Florida Supreme Court rejected a challenge to the previous 15-week ban under the Constitution’s Privacy Clause. The six-week ban was previously blocked until the Court had an opportunity to rule on the 15-week ban.

In November 2024, Florida voters considered Amendment 4, a proposed constitutional amendment to establish the right to abortion up to fetal viability - around 24 weeks - or when necessary to protect the patient’s health, as determined by their healthcare provider. The measure preserved the existing requirement for parental notification in cases involving minors. The measure fell short of the 60% supermajority vote needed for passage, receiving 57% of the vote.

To whom does this Law apply? SB 300 applies to pregnant women seeking abortions, physicians that offer abortions, and abortion facilities that assist women in obtaining an abortion.

What is the impact of this Law? Proponents of this Law argue that the Law will 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 emphasize that the Law prevents expectant mothers from 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 and that most women don’t know they are pregnant within the first 6 weeks.

What types of abortions does the Law restrict? The Law prohibits any Florida physician from performing an abortion or prescribing abortion-inducing drugs beyond 6 weeks. A physician must be physically present in the same room as the woman when the abortion is performed or when dispensing abortion-inducing drugs.

Effective May 2, 2024, the Florida Agency for Health Care Administration implemented an emergency rule excluding the following from the Law, stating that they do not constitute an





abortion: (i) when a physician attempts to induce the live birth of an unborn baby, regardless of the gestational age, to treat a premature rupture of membranes, and the baby does not survive, (ii) the gestation age, treatment of an ectopic pregnancy, and (iii) the treatment of a trophoblastic tumor.

Are there any exceptions to the Law? Yes, there are four. The first two exemptions provide that a physician may perform an abortion beyond 6 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 (i) the pregnancy has not progressed to the third trimester, 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.

The fourth exception allows a physician to perform an abortion if the pregnancy is the result of rape or incest and the gestational age of the fetus is not more than 15 weeks as determined by the physician. Provided, however, that the patient must provide a copy of a restraining order, police report, medical record, or other court order or documentation establishing that she is obtaining the abortion due to rape or incest.

Federal Rule: The Emergency Medical Treatment and Labor Act ("EMTALA") is a federal law that requires hospitals to offer emergency abortions when a physician deems it necessary to stabilize a pregnant patient's health. A recent U.S. Supreme Court ruling left unsettled the question of whether the EMTALA preempts state abortion laws, including SB 300. The distinguishing factor is what the attending physician sees as "stabilizing" a patient versus "saving her life or averting a serious risk of substantial and irreversible impairment".

Who may bring a disciplinary action under the Law? The Attorney General.

What are the penalties for a violation of the Law? An individual who willfully performs, or actively participates in, a termination of pregnancy in violation of the Law commits a third-degree felony. If the act results in the death of the patient, the individual faces a second-degree felony. Violation may also result in disciplinary action up to permanent revocation of a license and administrative fines up to \$10,000 per violation.

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 approaches abortion.

- Arizona – Effective November 2024





- Ban at viability. Performing an abortion after viability can lead to professional discipline and civil liability but is not a felony.
 - 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.
 - Exception: To save the pregnant woman's life.
- 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.