

Amendment No. (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Gannon offered the following:

13 **Amendment to Amendment (645115) (with title amendment)**

14 On page 38, line 28,

16 insert:

17 Section 17. Section 381.0435, Florida Statutes, is
18 created to read:

19 381.0435 Treatment for survivors of rape.--

20 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature

21 finds that the victimization of women through rape is

22 compounded by the possibility that the rape survivor may

23 suffer an unwanted pregnancy by the rapist. The Legislature

24 further finds that access to pregnancy prevention prophylaxis

25 and timely counseling are simple, basic measures that can

26 prevent this additional victimization. The federal Food and

27 Drug Administration has approved the use of pregnancy

28 prevention prophylaxis as safe and effective in the prevention

29 of pregnancy. Further, medical research strongly indicates

30 that the sooner pregnancy prevention prophylaxis
is

31 administered, the better the chance of preventing
unintended

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1 pregnancy. Therefore, the Legislature deems it essential
that

2 rape survivors be informed of pregnancy prophylaxis
and have

3 access to pregnancy prophylaxis as a treatment
option.

4 (2) DEFINITIONS.--As used in this section,
the

5 following words have the meanings indicated:

6 (a) "Care to a rape survivor" means medical
7 examinations, procedures, and services provided to a
rape

8 survivor.

9 (b) "Incest" means a sexual offense described in
s.
10 826.04.

11 (c) "Pregnancy prevention prophylaxis" means
any drug
12 or device approved by the federal Food and Drug
Administration

13 that prevents pregnancy after sexual intercourse.

14 (d) "Rape" means sexual battery as described in
ss.
15 794.011 and 827.071.

16 (e) "Rape survivor" means a person who alleges
or is
17 alleged to have been raped or is the victim of alleged
incest

18 and because of the alleged offense seeks treatment as
a
19 patient.

20 (3) DUTIES OF LICENSED FACILITIES
AND

21 PRACTITIONERS.--Beginning October 1, 2002, a
health care

22 facility licensed under chapter 395 and any health
care

23 practitioner licensed pursuant to chapter 458, chapter
459, or

24 chapter 464, that provides care to a rape survivor,
shall:

25 (a) Provide each rape survivor with medically
and

26 factually accurate, clear, concise information about
pregnancy

27 prevention prophylaxis.

28 (b) Inform each rape survivor of such person's
medical

29 option to receive pregnancy prevention
prophylaxis.

30 (c) If pregnancy prevention prophylaxis is
requested:

31 1. Immediately prescribe or provide the rape
survivor

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1 with pregnancy prevention prophylaxis, if it is
determined by
2 the physician to be medically appropriate; or
3 2. Inform the rape survivor of a health care
facility
4 or health care practitioner that will prescribe or
provide
5 access to pregnancy prevention prophylaxis, if it is
6 determined by the physician to be medically appropriate
for
7 the rape survivor. Such provision of information shall
be
8 documented in the patient's medical record.
9 (4) Notwithstanding any other provision of
this
10 section, a health care facility licensed under chapter
395 and
11 any health care practitioner licensed pursuant to
chapter 458,
12 chapter 459, or chapter 464 may refuse to provide care
to a
13 rape survivor because the provisions of this section
are
14 inconsistent with the religious beliefs of the facility or
the
15 health care practitioner. This section shall not be
construed
16 to deny care to a rape survivor. For purposes of
this
17 section, a health care facility is an entity for which each
of
18 the following is true:
19 (a) The inculcation of religious values is the
purpose
20 of the entity.
21 (b) The entity primarily employs persons who
share the
22 religious tenets of the entity.
23 (c) The entity serves primarily persons who share
the
24 religious tenets of the entity.
25 (d) The entity is a nonprofit organization as
26 described in Section 6033 (a) (2) i or iii, of the
Internal
27 Revenue Code of 1986, as amended.

28 (5) Every health care facility licensed under
chapter
29 395 and any health care practitioner licensed pursuant
to
30 chapter 458, chapter 459, or chapter 464 that refuses
to
31 provide care to a rape survivor under this section
shall

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1 provide written notice to the victim that the health
 care
 2 facility or health care practitioner refuses to
 provide
 3 treatment for religious reasons.
 4 However, if the rape survivor is transferred to or
 receives
 5 care from a sexual assault program or specialized team
 that
 6 provides rape counseling and treatment services, or if
 the
 7 rape survivor is pregnant, the licensed facility or
 8 practitioner described in this subsection shall be relieved
 of
 9 the duties specified in this section.

10
 11
 12 ===== T I T L E A M E N D M E N T
 ===

13 And the title is amended as follows:
 14 On page 43, line 4, after the semicolon, of the
 15 amendment

16
 17 insert:
 18 creating s. 381.0435, F.S.; providing
 19 legislative intent; providing definitions;
 20 providing requirements for treatment for
 21 survivors of rape; providing for counseling and
 22 for information about pregnancy prevention
 23 prophylaxis; providing for immediate access to
 24 medically appropriate pregnancy prevention
 25 prophylaxis, if requested; providing for refusal
 26 to provide care; providing applicability;

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