



616390

LEGISLATIVE ACTION

Senate

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House

Senator Davis moved the following:

Senate Amendment (with title amendment)

Delete lines 193 - 253

and insert:

rules adopted under paragraph (5)(b).

(2) If sex-reassignment prescriptions or procedures are prescribed for or administered or performed on patients 18 years of age or older, consent must be voluntary, informed, and in writing on forms approved by the department. Consent to sex-reassignment prescriptions or procedures is voluntary and informed only if the physician who is to prescribe or administer



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the pharmaceutical product or perform the procedure has, at a minimum, while physically present in the same room:

(a) Informed the patient of the nature and risks of the prescription or procedure in order for the patient to make a prudent decision;

(b) Provided the informed consent form, as approved by the department, to the patient; and

(c) Received the patient's written acknowledgment, before the prescription or procedure is prescribed, administered, or performed, that the information required to be provided under this subsection has been provided.

(3) Consent required under subsection (2) does not apply to renewals of prescriptions consistent with those referenced under s. 456.001(9)(a)1. and 2. if a physician and his or her patient have met the requirements for consent for the initial prescription or renewal. However, separate consent is required for any new prescription for a pharmaceutical product not previously prescribed to the patient.

(4)(a) Violation of this section constitutes grounds for disciplinary action under this chapter and chapter 458 or chapter 459, as applicable.

(b) Any health care practitioner who willfully or actively participates in a violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any health care practitioner who violates subsection (2) or subsection (3) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5)(a) The department shall adopt emergency rules to



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implement this section.

(b) Any emergency rules adopted under this section are exempt from s. 120.54(4)(c) and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act.

Section 6. Present paragraphs (c) through (gg) of subsection (5) of section 456.074, Florida Statutes, are redesignated as paragraphs (d) through (hh), respectively, and a new paragraph (c) is added to that subsection, to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(5) The department shall issue an emergency order suspending the license of any health care practitioner who is arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of any of the following criminal offenses in this state or similar offenses in another jurisdiction:

(c) Section 456.52(4)(b), relating to prescribing,

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 32 - 34

and insert:

informed consent;