

Amendment No. ____ (for drafter's use only)

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

Representative(s) Gannon offered the following:

Substitute Amendment for Amendment (572147) (with title amendment)

On page 68, line 27,

insert:

Section 78. Section 381.0435, Florida Statutes, is created to read:

381.0435 Treatment for survivors of rape.--

(1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds that the victimization of women through rape is compounded by the possibility that the rape survivor may suffer an unwanted pregnancy by the rapist. The Legislature further finds that access to pregnancy prevention prophylaxis and timely counseling are simple, basic measures that can prevent this additional victimization. The federal Food and Drug Administration has approved the use of pregnancy prevention prophylaxis as safe and effective in the prevention of pregnancy. Further, medical research strongly indicates that the sooner pregnancy prevention prophylaxis is

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1 administered, the better the chance of preventing unintended
2 pregnancy. Therefore, the Legislature deems it essential that
3 rape survivors be informed of pregnancy prophylaxis and have
4 access to pregnancy prophylaxis as a treatment option.

5 (2) DEFINITIONS.--As used in this section, the
6 following words have the meanings indicated:

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

10 (b) "Incest" means a sexual offense described in s.
11 826.04.

12 (c) "Pregnancy prevention prophylaxis" means any drug
13 or device approved by the federal Food and Drug Administration
14 that prevents pregnancy after sexual intercourse.

15 (d) "Rape" means sexual battery as described in ss.
16 794.011 and 827.071.

17 (e) "Rape survivor" means a person who alleges or is
18 alleged to have been raped or is the victim of alleged incest
19 and because of the alleged offense seeks treatment as a
20 patient.

21 (3) DUTIES OF LICENSED FACILITIES AND

22 PRACTITIONERS.--Beginning October 1, 2002, a health care
23 facility licensed under chapter 395 and any health care
24 practitioner licensed pursuant to chapter 458, chapter 459, or
25 chapter 464, that provides care to a rape survivor, shall:

26 (a) Provide each rape survivor with medically and
27 factually accurate, clear, concise information about pregnancy
28 prevention prophylaxis.

29 (b) Inform each rape survivor of such person's medical
30 option to receive pregnancy prevention prophylaxis.

31 (c) If pregnancy prevention prophylaxis is requested:

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1 1. Immediately prescribe or provide the rape survivor
2 with pregnancy prevention prophylaxis, if it is determined by
3 the physician to be medically appropriate; or

4 2. Inform the rape survivor of a health care facility
5 or health care practitioner that will prescribe or provide
6 access to pregnancy prevention prophylaxis, if it is
7 determined by the physician to be medically appropriate for
8 the rape survivor. Such provision of information shall be
9 documented in the patient's medical record.

10 (4) Notwithstanding any other provision of this
11 section, a health care facility licensed under chapter 395 may
12 refuse to provide care to a rape survivor because the
13 provisions of this section are inconsistent with the religious
14 beliefs of the facility or the health care practitioner. This
15 section shall not be construed to deny care to a rape
16 survivor. For purposes of this section, a health care
17 facility is an entity for which each of the following is true:

18 (a) The inculcation of religious values is the purpose
19 of the entity.

20 (b) The entity primarily employs persons who share the
21 religious tenets of the entity.

22 (c) The entity serves primarily persons who share the
23 religious tenets of the entity.

24 (d) The entity is a nonprofit organization as
25 described in Section 6033 (a) (2) i or iii, of the Internal
26 Revenue Code of 1986, as amended.

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

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

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

And the title is amended as follows:

On page 123, line 18,

insert:

creating s. 381.0435, F.S.; providing
legislative intent; providing definitions;
providing requirements for treatment for
survivors of rape; providing for counseling and
for information about pregnancy prevention
prophylaxis; providing for immediate access to
medically appropriate pregnancy prevention
prophylaxis, if requested; providing for refusal
to provide care; providing applicability;