

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Gannon offered the following:

Amendment to Amendment (613005) (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 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.

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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;