

By Representative Gannon

1 A bill to be entitled
2 An act relating to hospitals and health care
3 facilities; providing legislative intent;
4 providing definitions; providing requirements
5 for emergency treatment for survivors of rape;
6 providing for counseling and for oral and
7 written information about emergency
8 contraception; providing for immediate access
9 to medically appropriate emergency
10 contraception, if requested, or for referral to
11 a facility that will provide access to such
12 contraception; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Emergency treatment for survivors of
17 rape.--

18 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
19 finds that the victimization of women through rape is
20 compounded by the possibility that the rape survivor may
21 suffer an unwanted pregnancy by the rapist. The Legislature
22 further finds that access to emergency contraception and
23 timely counseling are simple, basic measures that can prevent
24 this additional victimization. The federal Food and Drug
25 Administration has approved the use of emergency contraception
26 as safe and effective in the prevention of pregnancy. Further,
27 medical research strongly indicates that the sooner emergency
28 contraception is administered, the better the chance of
29 preventing unintended pregnancy. Therefore, the Legislature
30 deems it essential that hospitals or other health care
31 facilities that provide emergency medical treatment but do not

1 provide emergency contraception as a treatment option to any
2 woman who seeks treatment as a result of an alleged rape
3 should provide timely counseling and refer such patients to
4 another hospital or health care facility that provides this
5 treatment option.

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

8 (a) "Emergency care to a rape survivor" means medical
9 examinations, procedures, and services provided to a rape
10 survivor by a hospital or other health care facility licensed
11 in this state.

12 (b) "Emergency contraception" means any drug or device
13 approved by the federal Food and Drug Administration that
14 prevents pregnancy after sexual intercourse.

15 (c) "Incest" means a sexual offense described in s.
16 826.04, Florida Statutes.

17 (d) "Rape" means a sexual offense described in s.
18 794.011, Florida Statutes.

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

23 (3) DUTIES OF FACILITIES PROVIDING EMERGENCY CARE.--If
24 a hospital or other health care facility licensed in this
25 state provides emergency care to a rape survivor, the hospital
26 or other health care facility shall:

27 (a) Provide each rape survivor with counseling and
28 medically and factually accurate, clear and concise, and
29 unbiased written and oral information about emergency
30 contraception;

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- 1 (b) Inform each rape survivor of her option to receive
2 emergency contraception; and
3 (c) If emergency contraception is requested:
4 1. Immediately provide the rape survivor with
5 contraception that is medically appropriate; or
6 2. Refer the rape survivor to a licensed hospital or
7 other health care facility or provider that will prescribe or
8 provide immediate access to emergency contraception that is
9 medically appropriate for the rape survivor. Such referral
10 shall be documented in the patient's medical record.

11 Section 2. This act shall take effect October 1, 2002.

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14 HOUSE SUMMARY

15 Specifies requirements for emergency treatment by
16 licensed hospitals or health care facilities of survivors
17 of rape, which treatment shall include counseling, oral
18 and written information about emergency contraception,
19 and, if emergency contraception is requested, either
20 immediate access to medically appropriate emergency
21 contraception or referral to a facility or provider that
22 will provide immediate access to such contraception.
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