

Bill No. CS for CS for SB's 1286, 1134 & 1008

Amendment No. Barcode 582612

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| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Senator Wasserman Schultz moved the following **amendment to amendment** (792028):

Senate Amendment (with title amendment)

On page 79, between lines 14 and 15,

insert:

Section 27. 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 prevention prophylaxis
4 and have access to pregnancy prevention prophylaxis as a
5 treatment option.

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

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

11 (b) "Incest" means a sexual offense described in s.
12 826.04.

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

16 (d) "Rape" means sexual battery as described in ss.
17 794.011 and 827.071.

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

22 (3) DUTIES OF LICENSED FACILITIES AND
23 PRACTITIONERS.--Beginning October 1, 2002, a health care
24 facility licensed under chapter 395 and any health care
25 practitioner licensed pursuant to chapter 458, chapter 459, or
26 chapter 464, that provides care to a rape survivor, shall:

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

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

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1 (c) If pregnancy prevention prophylaxis is requested:
2 1. Immediately prescribe or provide the rape survivor
3 with pregnancy prevention prophylaxis, if it is determined by
4 the physician to be medically appropriate; or
5 2. Inform the rape survivor of a health care facility
6 or health care practitioner that will prescribe or provide
7 access to pregnancy prevention prophylaxis, if it is
8 determined by the physician to be medically appropriate for
9 the rape survivor. Such provision of information shall be
10 documented in the patient's medical record.
11
12 However, if the rape survivor is transferred to or receives
13 care from a sexual assault program or specialized team that
14 provides rape counseling and treatment services, or if the
15 rape survivor is pregnant, the licensed facility or
16 practitioner described in this subsection shall be relieved of
17 the duties specified in this section.
18 (4) Notwithstanding any other provision of this
19 section, a health care facility licensed under chapter 395 may
20 refuse to provide care to a rape survivor because the
21 provisions of this section are inconsistent with the religious
22 beliefs of the facility or the health care practitioner if the
23 facility is one for which each of the following are true:
24 (a) The inculcation of religious values is the purpose
25 of the entity.
26 (b) The entity primarily employs persons who share the
27 religious tenets of the entity.
28 (c) The entity serves primarily persons who share the
29 religious tenets of the entity.
30 (d) The entity is a nonprofit organization as
31 described in s. 6033(a)(2) i or iii of the Internal Revenue

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1 Code of 1986, as amended.

2 (5) Every health care facility licensed under chapter
3 395 and any health care practitioner licensed pursuant to
4 chapter 458, chapter 459, or chapter 464 that refuses to
5 provide care to a rape survivor under this section shall
6 provide written notice to the victim that the health care
7 facility or health care practitioner refuses to provide
8 treatment for religious reasons.

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

12 And the title is amended as follows:

13 On page 85, line 26, after the semicolon,

14

15 insert:

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

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