

By the Committee on Health, Aging and Long-Term Care; and
Senator Wasserman Schultz

317-2234-02

1 A bill to be entitled
2 An act relating to hospitals and health care
3 facilities; creating s. 381.0047, F.S.;
4 providing legislative intent; providing
5 definitions; providing requirements for
6 treatment for survivors of rape; providing for
7 counseling and for oral and written information
8 about pregnancy prevention prophylaxis;
9 providing for immediate access to medically
10 appropriate pregnancy prevention prophylaxis,
11 if requested; providing applicability;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 381.0047, Florida Statutes, is
17 created to read:

18 381.0047 Treatment for survivors of rape.--
19 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
20 finds that the victimization of women through rape is
21 compounded by the possibility that the rape survivor may
22 suffer an unwanted pregnancy by the rapist. The Legislature
23 further finds that access to pregnancy prevention prophylaxis
24 and timely counseling are simple, basic measures that can
25 prevent this additional victimization. The federal Food and
26 Drug Administration has approved the use of pregnancy
27 prevention prophylaxis as safe and effective in the prevention
28 of pregnancy. Further, medical research strongly indicates
29 that the sooner pregnancy prevention prophylaxis is
30 administered, the better the chance of preventing unintended
31 pregnancy. Therefore, the Legislature deems it essential that

1 rape survivors be informed of pregnancy prophylaxis and have
2 access to pregnancy prophylaxis as a treatment option.

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

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

8 (b) "Incest" means a sexual offense described in s.
9 826.04.

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

13 (d) "Rape" means sexual battery as described in ss.
14 794.011 and 827.071.

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

19 (3) DUTIES OF LICENSED FACILITIES AND

20 PRACTITIONERS.--A health care facility licensed under chapter
21 395 and any health care practitioner licensed pursuant to
22 chapter 458, chapter 459, or chapter 464, that provides care
23 to a rape survivor, shall:

24 (a) Provide each rape survivor with medically and
25 factually accurate, clear, concise information about pregnancy
26 prevention prophylaxis, including its indications and
27 contraindications and risks associated with its use.

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 1. Immediately prescribe or provide the rape survivor
2 with pregnancy prevention prophylaxis, if it is determined by
3 the practitioner 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 immediate access to pregnancy prevention prophylaxis, if it is
7 determined by the practitioner to be medically appropriate for
8 the rape survivor. Such provision of information shall be
9 documented in the patient's medical record.

10
11 However, if the rape survivor is transferred to or receives
12 care from a sexual assault program or specialized team that
13 provides rape counseling and treatment services, or if the
14 rape survivor is pregnant, the licensed facility or
15 practitioner described in this subsection shall be relieved of
16 the duties specified in paragraphs (a)-(c).

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2246

Instead of creating a new section in ch. 395, F.S., the Committee Substitute creates s. 381.0047, F.S. This new section contains the provisions of the original bill with four differences, as follows:

1. Practitioners licensed under ch. 458, ch. 459, and ch. 464, F.S., are required to provide pregnancy-prevention prophylaxis to a rape survivor.

2. The pregnancy-prevention prophylaxis will be provided if the facility or practitioner deems it to be medically appropriate.

3. Each facility or practitioner who provides pregnancy-prevention prophylaxis must inform the rape survivor of the indications, contraindications, and risks associated with its use.

4. If the rape survivor is transferred to, or receives care from, a sexual assault program or specialized team that provides rape counseling and treatment services, or if the rape survivor is pregnant, the facility or practitioner will not be required to provide pregnancy-prevention prophylaxis.