

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1  
2  
3  
4  
5  
6  
7  
8  
9

10

11 Representative(s) Gannon offered the following:

12

13 **Amendment (with title amendment)**

14 On page 12, between lines 25 and 26,

15

16 insert:

17 Section 5. Section 381.0435, Florida Statutes, is  
18 created to read:

19 381.0435 Treatment for survivors of rape.--

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

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 this chapter 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

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 immediate 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 this chapter  
11 may refuse to provide care to a rape survivor because the  
12 provisions of this section are inconsistent with the religious  
13 beliefs of the facility or the health care practitioner. This  
14 section shall not be construed to deny care to a rape  
15 survivor. For purposes of this section, a religious health  
16 care facility is an entity for which each of the following is  
17 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 this  
28 chapter and any health care practitioner employed by such  
29 facility, and licensed pursuant to chapter 458, chapter 459,  
30 or chapter 464 that refuses to provide care to a rape survivor  
31 under this section shall provide written notice to the victim

1 that the health care facility or health care practitioner  
 2 refuses to provide 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 paragraphs (a)-(c).

9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31

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

And the title is amended as follows:

On page 1, line 22, after the semicolon,

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;