

By Senator Geller

31-1590A-05

See HB

1 A bill to be entitled

2 An act relating to the prevention of unintended

3 pregnancy, sexually transmitted infection, and

4 abortion; creating the Prevention First Act;

5 requiring school districts to develop a

6 comprehensive family life and reproductive

7 education plan; providing definitions;

8 providing duties of licensed health care

9 facilities and practitioners relating to

10 treatment of rape survivors; providing an

11 effective date.

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13 WHEREAS, the Legislature finds that many Florida women

14 and teens do not have access to birth control and information

15 about family planning, and

16 WHEREAS, the Legislature finds that the victimization

17 of women through rape is compounded by the possibility that

18 the rape survivors may suffer an unwanted pregnancy by the

19 rapist, half of which end in abortion, and

20 WHEREAS, the Legislature further finds that providing

21 access to family planning information, contraception, and

22 pregnancy prevention prophylaxis will prevent abortions and

23 unintended pregnancies thereby significantly reducing the

24 number of women and teens who need medical assistance,

25 Medicaid, KidCare, and other social services, and

26 WHEREAS, the Legislature recognizes that in the most

27 recent study of women in need of family planning services by

28 the Florida State University Center for Prevention and Early

29 Intervention Policy found that only 26 percent of women in

30 Florida in need are currently receiving family planning

31 services, and

1 WHEREAS, the Legislature further recognizes that in the
2 most recent peer-reviewed study of family planning
3 cost-effectiveness, an analysis of California's program showed
4 that for every \$1 million spent on family planning, over 900
5 unintended pregnancies were prevented and more than 350
6 abortions were avoided, and the unintended pregnancies
7 prevented by the California family planning efforts saved an
8 estimated \$4.48 in public expenditures for every \$1 spent,
9 NOW, THEREFORE,

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

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13 Section 1. This act may be cited as the "Prevention
14 First Act."

15 Section 2. Comprehensive family life and reproductive
16 education.--

17 (1) All school districts shall develop a plan to
18 provide comprehensive family life and reproductive education
19 no later than the 2008-2009 school year.

20 (2) For the purposes of this section, "comprehensive
21 family life and reproductive education" means education in
22 kindergarten through grade 12 that:

23 (a) Respects community values and encourages family
24 communication.

25 (b) Develops skills in communication, decisionmaking,
26 and conflict resolution.

27 (c) Contributes to healthy relationships.

28 (d) Provides human development and reproductive
29 education that is medically accurate and age appropriate.

30 (e) Promotes responsible behavior, including the
31 promotion of abstinence.

1 (f) Addresses the use of contraception.
2 (g) Promotes individual responsibility.
3 Section 3. Treatment for survivors of rape.--
4 (1) DEFINITIONS.--As used in this section, the term:
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
9 section 826.04, Florida Statutes.
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
14 sections 794.011 and 827.071, Florida Statutes.
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 (2) DUTIES OF LICENSED PRACTITIONERS AND
20 FACILITIES.--A health care practitioner licensed under chapter
21 458, chapter 459, or chapter 464, Florida Statutes, or a
22 health care facility licensed under chapter 395, Florida
23 Statutes, which provides care to a rape survivor shall:
24 (a) Provide each rape survivor with medically and
25 factually accurate, clear, and concise information about
26 pregnancy prevention prophylaxis, including its indications
27 and 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:
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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 provide or prescribe
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. However, if the
10 rape survivor is transferred to or receives care from a sexual
11 assault program or specialized team that provides rape
12 counseling and treatment services or if the rape survivor is
13 pregnant, the licensed facility or practitioner described in
14 this subsection shall be relieved of the duties specified in
15 paragraphs (a) and (b).

16 Section 4. This act shall take effect upon becoming a
17 law.