

By Senator Hill

1-1307-06

See HB 831

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A bill to be entitled

An act relating to electroconvulsive therapy and psychosurgical procedures; amending s. 458.325, F.S.; prohibiting the administration of electroconvulsive therapy and psychosurgery on persons younger than 18 years of age; providing an effective date.

WHEREAS, electroconvulsive therapy (ECT) is an experimental technique with unknown mechanism of action the efficacy of which has never been proven and which has dangerous and potentially permanent harmful or

life-threatening side effects, including brain damage and memory loss, the extent of which have never been tested, and

WHEREAS, literature regarding the administration of ECT on children and adolescents consists mainly of single case reports and uncontrolled studies and offers no controlled studies, no reliably applied criteria, and no valid assessment scales, and

WHEREAS, ECT devices are classified as Class III devices by the Federal Drug Administration, the most stringent regulatory category covering "those [devices] for which insufficient information exists to [ensure] safety and effectiveness" and "which present a potential, unreasonable risk of illness or injury," and

WHEREAS, psychosurgery is an experimental technique the efficacy of which has never been proven and which has dangerous, permanent, and potentially life-threatening side effects, and

WHEREAS, the use of invasive and possibly damaging treatment with unknown mechanisms and without scientific basis

1 | in the context of still-developing neurological systems of
2 | children and adolescents cannot be justified, and
3 | WHEREAS, on January 20, 2000, the National Council on
4 | Disability, an independent federal agency, made
5 | recommendations to the President and Congress that included
6 | the following: "Mental health treatment should be about
7 | healing, not punishment. Accordingly, the use of aversive
8 | treatments, including physical and chemical restraints,
9 | seclusion, and similar techniques that restrict freedom of
10 | movement, should be banned. Also, public policy should move
11 | toward the elimination of electro-convulsive therapy and
12 | psycho surgery as unproven and inherently inhumane procedures.
13 | Effective humane alternatives to these techniques exist now
14 | and should be promoted," NOW, THEREFORE,

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16 | Be It Enacted by the Legislature of the State of Florida:

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18 | Section 1. Subsection (1) of section 458.325, Florida
19 | Statutes, is amended, and subsection (3) is added to that
20 | section, to read:

21 | 458.325 Electroconvulsive and psychosurgical
22 | procedures.--

23 | (1) In each case of utilization of electroconvulsive
24 | or psychosurgical procedures, prior written consent shall be
25 | obtained after disclosure to the patient, if he or she is
26 | competent, or to the patient's guardian, if he or she is ~~a~~
27 | ~~minor or~~ incompetent, of the purpose of the procedure, the
28 | common side effects thereof, alternative treatment modalities,
29 | and the approximate number of such procedures considered
30 | necessary and that any consent given may be revoked by the
31 |

1 patient or the patient's guardian prior to or between
2 treatments.

3 (3) The administration of electroconvulsive therapy
4 and psychosurgery on persons younger than 18 years of age is
5 prohibited.

6 Section 2. This act shall take effect July 1, 2006.
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