

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Policy Committee

BILL: SB 1156

INTRODUCER: Senator Rich, Bennett, and others

SUBJECT: Prevention First Act

DATE: March 24, 2007      REVISED: 03/27/07 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HP</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>ED</u>	_____
3.	_____	_____	<u>EA</u>	_____
4.	_____	_____	<u>HA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see last section for Summary of Amendments**

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

**I. Summary:**

The bill creates the Prevention First Act. The bill requires the Secretary of Health to develop and maintain, on the Department of Health’s website, information on family planning and referrals to local community resources to assist women and families in preventing unintended pregnancies. The website must provide information on: family planning methods; basic reproductive health procedures; and referrals to local community providers of family planning services.

The bill requires the Department of Education to develop a plan to provide comprehensive family life and sexuality education no later than the 2010-2011 school year and to implement the plan by the following school year. The bill defines “comprehensive family life and sexuality education.”

The bill requires a Florida-licensed medical physician, osteopathic physician, nurse, or a health care facility, which provides care to a rape survivor to:

- Provide each rape survivor with medically and factually accurate, clear, and concise information concerning emergency birth control, including its indications and contraindications and risks associated with its use; and

- Inform each female rape survivor of her medical option to receive emergency birth control.

If emergency birth control is requested, the health care practitioner must immediately prescribe or provide the rape survivor with the emergency birth control, if it is determined by the practitioner to be medically necessary.

This bill creates four undesignated sections of law.

## II. Present Situation:

Under the Comprehensive Family Planning Act,<sup>1</sup> the Department of Health must implement a comprehensive family planning program designed to include, but not be limited to:

- Comprehensive family planning education and counseling programs;
- Prescription for and provision of all medically recognized methods of contraception;
- Medical evaluation, including cytological examination and other appropriate laboratory studies;
- Treatment of physical complications other than pregnancy resulting from the use of contraceptive methods;
- Provision of services at locations and times readily available to the population served; and an
- Emphasis and stress on service to postpartum mothers.

The Department of Health's comprehensive family planning services include education and counseling, physical examination, breast and cervical cancer screening, hypertension screening, anemia screening, sexually transmitted disease screening, and HIV testing. Clients may receive non-prescription and prescription methods of birth control, which have been approved by the federal Food and Drug Administration. Although, all persons may receive family planning services, a priority is placed on serving low-income women who are at risk of an unwanted pregnancy. The Department of Health has information on family planning on its website.

Section 381.0056(5)(a), F.S., requires county health departments, to develop, jointly with district school boards and the local school health advisory committee a school health plan. A component of the school health plan requires county health department personnel to assist school personnel in health education development.

Section 826.04, F.S., provides a criminal offense for incest, which states, "whoever knowingly marries, or has sexual intercourse with a person to whom he or she is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece, commits incest, which constitutes a felony of the third-degree..."

Sections 794.011 and 827.071, F.S., both specify the elements of a criminal offense for rape.

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<sup>1</sup> See section 381.0051, F.S.

Emergency contraception, or emergency birth control, is used to help keep a woman from getting pregnant after she has had unprotected sex — sex without using birth control. Emergency contraception must be started up to 120 hours — five days — after unprotected intercourse to reduce the risk of pregnancy. The sooner it is started, the better. Emergency contraception reduces the risk of pregnancy by 75 to 89 percent when started within 72 hours.<sup>2</sup>

Plan B<sup>®</sup> is a brand of progestin hormone pills approved by the federal Food and Drug Administration specifically for emergency contraception. Plan B<sup>®</sup> (progestin-only) was recently approved to be sold over-the-counter to women who are 18 years of age or older.<sup>3</sup> Women under the age of 18 will need a prescription. Certain birth control pills may also be prescribed for use as emergency contraception. Some emergency contraception uses a combination of estrogen and progestin hormones.

Medical physicians, osteopathic physicians, and nurses are regulated by the appropriate boards within the Florida Department of Health. Florida-licensed medical physicians, osteopathic physicians, and nurses are subject to discipline for failing to perform any statutory or legal obligation placed upon the licensed health care practitioner.<sup>4</sup>

Chapter 395, F.S., governs the regulation of hospitals, ambulatory surgical centers, and mobile surgical facilities. Abortion clinics are regulated under s. 390, F.S. The Department of Health contracts with a statewide nonprofit association to provide sexual battery recovery services to victims and their families.<sup>5</sup> The statewide nonprofit association is a federally recognized sexual assault coalition whose primary purpose is to represent and provide technical assistance to rape crisis centers.<sup>6</sup>

### **III. Effect of Proposed Changes:**

The bill creates the Prevention First Act. The bill requires the Secretary of Health to develop and maintain, on the department's website, information on family planning and referrals to local community resources to assist women and families in preventing unintended pregnancies. The website must provide information on: family planning methods; basic reproductive health procedures; and referrals to local community providers that provide family planning services, counseling, and basic contraceptive, pregnancy-preventive, and reproductive services.

The Department of Education must develop a plan to provide comprehensive family life and sexuality education no later than the 2010-2011 school year and must implement the plan by the following school year. "Comprehensive family life and sexuality education" is defined to mean education in kindergarten through grade 12 which: respects community values and encourages family communication; develops skills in goal setting, communication, decision making, and

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<sup>2</sup> See Planned Parenthood's website at: <<http://www.plannedparenthood.org/birth-control-pregnancy/emergency-contraception/overview-4365.htm>> (Last visited on March 24, 2007).

<sup>3</sup> See the National Women's Health Information Center's website sponsored by the Office on Women's Health in the U.S. Department of Health and Human Services at: <<http://www.womenshealth.gov/faq/econtracep.htm>> (Last visited on March 24, 2007).

<sup>4</sup> See s. 456.072, F.S.

<sup>5</sup> See s. 794.055, F.S.

<sup>6</sup> See s. 794.055, F.S.

conflict resolution; contributes to healthy relationships; provides education in human development and sexuality which is medically accurate and age-appropriate; promotes responsible behavior; addresses the medically accurate use of contraception measures; and promotes individuality responsibility.

The bill requires a Florida-licensed medical physician, osteopathic physician, nurse, or a health care facility, which provides care to a rape survivor to:

- Provide each rape survivor with medically and factually accurate, clear, and concise information concerning emergency birth control, including its indications and contraindications and risks associated with its use; and
- Inform each female rape survivor of her medical option to receive emergency birth control.

If emergency birth control is requested, the health care practitioner must immediately prescribe or provide the rape survivor with the emergency birth control, if it is determined by the practitioner to be medically necessary. For purposes of the section, definitions are provided. "Care to a rape survivor" is defined to mean medical examinations, procedures, and services provided to a rape survivor. "Incest" means a sexual offense described in s. 826.04, F.S. "Emergency birth control" is defined to mean any drug or device approved by the federal Food and Drug Administration, which prevents pregnancy after sexual intercourse. "Rape" is defined to mean sexual battery as described in ss. 794.011 and 827.071, F.S. "Rape survivor" means a person who alleges or is alleged to have been raped or is the victim of alleged incest and because of the alleged offense seeks treatment as a patient.

The bill provides an effective date upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill may provide a wider and more accessible range of information and services to those individuals who seek family planning services.

**C. Government Sector Impact:**

The Department of Health reports that the bill has no fiscal impact on the department.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



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## VIII. Summary of Amendments:

### **Barcode 512990 by Health Policy:**

Deletes provisions of the bill that require the Department of Education to develop a plan to provide comprehensive family life and sexuality education no later than the 2010-2011 school year and to implement the plan by the following school year.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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