

HB 485

2007

1 A bill to be entitled

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

7  
8 WHEREAS, electroconvulsive therapy (ECT) is an experimental  
9 technique with unknown mechanism of action the efficacy of which  
10 has never been proven and which has dangerous and potentially  
11 permanent harmful or life-threatening side effects, including  
12 brain damage and memory loss, the extent of which have never  
13 been tested, and

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

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

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

27 WHEREAS, the use of invasive and possibly damaging  
28 treatment having unknown mechanisms and without scientific basis

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29 | in the context of still-developing neurological systems of  
 30 | children and adolescents cannot be justified, and

31 |       WHEREAS, on January 20, 2000, the National Council on  
 32 | Disability, an independent federal agency, made recommendations  
 33 | to the President and Congress which included the following:  
 34 | "Mental health treatment should be about healing, not  
 35 | punishment. Accordingly, the use of aversive treatments,  
 36 | including physical and chemical restraints, seclusion, and  
 37 | similar techniques that restrict freedom of movement, should be  
 38 | banned. Also, public policy should move toward the elimination  
 39 | of electro-convulsive therapy and psycho surgery as unproven and  
 40 | inherently inhumane procedures. Effective humane alternatives to  
 41 | these techniques exist now and should be promoted," NOW,  
 42 | THEREFORE,

43 |  
 44 | Be It Enacted by the Legislature of the State of Florida:

45 |  
 46 |       Section 1. Subsection (1) of section 458.325, Florida  
 47 | Statutes, is amended, and subsection (3) is added to that  
 48 | section, to read:

49 |       458.325 Electroconvulsive and psychosurgical procedures.--

50 |       (1) In each case of utilization of electroconvulsive or  
 51 | psychosurgical procedures, prior written consent shall be  
 52 | obtained after disclosure to the patient, if he or she is  
 53 | competent, or to the patient's guardian, if he or she is ~~a minor~~  
 54 | ~~or~~ incompetent, of the purpose of the procedure, the common side  
 55 | effects thereof, alternative treatment modalities, and the  
 56 | approximate number of such procedures considered necessary and

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57 | that any consent given may be revoked by the patient or the  
58 | patient's guardian prior to or between treatments.

59 | (3) The administration of electroconvulsive therapy and  
60 | psychosurgical procedures on persons younger than 18 years of  
61 | age is prohibited.

62 | Section 2. This act shall take effect July 1, 2007.