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LEGISLATIVE ACTION

Senate

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House

Senator Yarborough moved the following:

Senate Amendment (with title amendment)

Delete lines 184 - 235
and insert:
Medicine shall, within 60 days after the effective date of this
act, adopt emergency rules pertaining to standards of practice
under which a patient younger than 18 years of age may continue
to be treated with a prescription consistent with those
referenced under s. 456.001(9)(a)1. or 2. if such treatment for
sex reassignment was commenced before, and is still active on,
the effective date of this act.



654418

(b) A patient meeting the criteria of paragraph (a) may continue to be treated by a physician with such prescriptions according to rules adopted under paragraph (a) or nonemergency rules adopted under paragraph (6)(b).

(2) If sex-reassignment prescriptions or procedures are prescribed for or administered or performed on patients 18 years of age or older, consent must be voluntary, informed, and in writing on forms adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine. Consent to sex-reassignment prescriptions or procedures is voluntary and informed only if the physician who is to prescribe or administer the pharmaceutical product or perform the procedure has, at a minimum, while physically present in the same room:

(a) Informed the patient of the nature and risks of the prescription or procedure in order for the patient to make a prudent decision;

(b) Provided the informed consent form, as adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, to the patient; and

(c) Received the patient's written acknowledgment, before the prescription or procedure is prescribed, administered, or performed, that the information required to be provided under this subsection has been provided.

(3) Sex-reassignment prescriptions or procedures may not be prescribed, administered, or performed except by a physician. For the purposes of this section, the term "physician" is defined as a physician licensed under chapter 458 or chapter 459 or a physician practicing medicine or osteopathic medicine in the employment of the Federal Government.



654418

(4) Consent required under subsection (2) does not apply to renewals of prescriptions consistent with those referenced under s. 456.001(9)(a)1. and 2. if a physician and his or her patient have met the requirements for consent for the initial prescription or renewal. However, separate consent is required for any new prescription for a pharmaceutical product not previously prescribed to the patient.

(5)(a) Violation of this section constitutes grounds for disciplinary action under this chapter and chapter 458 or chapter 459, as applicable.

(b) Any health care practitioner who willfully or actively participates in a violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any health care practitioner who violates subsection (2), subsection (3), or subsection (4) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) The Board of Medicine and the Board of Osteopathic Medicine shall adopt emergency rules to

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

And the title is amended as follows:

Delete lines 27 - 37
and insert:

emergency rules within a specified timeframe;
requiring that such prescriptions and procedures for
patients older than 18 years of age be prescribed,
administered, or performed only with the voluntary and



654418

70 informed consent of the patient; providing criteria
71 for what constitutes voluntary and informed consent;
72 providing that only a physician may prescribe,
73 administer, or perform such prescriptions and
74 procedures; defining the term "physician"; providing
75 applicability; providing for disciplinary action;
76 providing criminal penalties; requiring the Board of
77 Medicine and the Board of Osteopathic Medicine to
78 adopt certain emergency rules;