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LEGISLATIVE ACTION

Senate

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House

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04/03/2023 03:14 PM

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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.



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

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

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

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

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

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



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

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

51 (b) Any health care practitioner who willfully or actively
52 participates in a violation of subsection (1) commits a felony
53 of the third degree, punishable as provided in s. 775.082, s.
54 775.083, or s. 775.084.

55 (c) Any health care practitioner who violates subsection
56 (2), subsection (3), or subsection (4) commits a misdemeanor of
57 the first degree, punishable as provided in s. 775.082 or s.
58 775.083.

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

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete lines 27 - 37

65 and insert:

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



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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;