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The 2023 Florida Statutes

Title XXXII
REGULATION OF PROFESSIONS AND
OCCUPATIONS

Chapter 456
HEALTH PROFESSIONS AND OCCUPATIONS:
GENERAL PROVISIONS

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- 456.52 Sex-reassignment prescriptions and procedures; prohibitions; informed consent.—
- (1) Sex-reassignment prescriptions and procedures are prohibited for patients younger than 18 years of age, except that:
- (a) The Board of Medicine and the Board of Osteopathic Medicine shall, within 60 days after May 17, 2023, 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, May 17, 2023. In developing rules under this paragraph, the boards shall consider requirements for physicians to obtain informed consent from such patient's parent or legal guardian, consistent with the parameters of informed consent under subsections (2) and (4), for such prescription treatment, and shall consider the provision of professional counseling services for such patient by a board-certified psychiatrist licensed under chapter 458 or chapter 459 or a psychologist licensed under chapter 490 in conjunction with such prescription treatment.
- (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 (b) (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.
- (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.

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- (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. <u>775.082</u>, s. <u>775.083</u>, or s. <u>775.084</u>.
- (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. <u>775.082</u> or s. <u>775.083</u>.
- (6)(a) The Board of Medicine and the Board of Osteopathic Medicine shall adopt emergency rules to implement this section.
- (b) Any emergency rules adopted under this section are exempt from s. <u>120.54(4)(c)</u> and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act.

History.-ss. 5, 9, ch. 2023-90.

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