

Chapter 21b Sexual Assault Victim Protocols

Part 1 General Provisions

26-21b-101 Title.

This chapter is known as "Sexual Assault Victim Protocols."

Enacted by Chapter 266, 2009 General Session

26-21b-102 Definitions.

As used in this chapter:

- (1) "Critical access hospital" means a critical access hospital that meets the criteria of 42 U.S.C. Sec. 1395i-4(c)(2) (1998).
- (2) "Designated facility" means:
 - (a) a freestanding urgent care center;
 - (b) a general acute hospital; or
 - (c) a critical access hospital.
- (3) "Emergency contraception" means the use of a substance, approved by the United States Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- (4) "Freestanding urgent care center" is as defined in Section 59-12-801.
- (5) "General acute hospital" is as defined in Section 26-21-2.
- (6) "Physician" means a person:
 - (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or
 - (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (7) "Practitioner" means:
 - (a) a physician; or
 - (b) any other person who is permitted by law to prescribe emergency contraception.
- (8) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses, that may result in a pregnancy.
- (9) "Victim of sexual assault" means any person who presents to receive, or receives, medical care in consequence of being subjected to sexual assault.

Amended by Chapter 140, 2010 General Session

Part 2 Emergency Contraception Services

26-21b-201 Emergency contraception services for a victim of sexual assault.

- (1) Except as provided in Subsection (2), a designated facility shall provide the following services to a victim of sexual assault:
 - (a) provide the victim with written and oral medical information regarding emergency contraception that is unbiased, accurate, and generally accepted by the medical community as being scientifically valid;

- (b) orally inform the victim of sexual assault that the victim may obtain emergency contraception at the designated facility;
 - (c) offer a complete regimen of emergency contraception to a victim of sexual assault;
 - (d) provide, at the designated facility, emergency contraception to the victim of sexual assault upon her request;
 - (e) maintain a protocol, prepared by a physician, for the administration of emergency contraception at the designated facility to a victim of sexual assault; and
 - (f) develop and implement a written policy to ensure that a person is present at the designated facility, or on-call, who:
 - (i) has authority to dispense or prescribe emergency contraception, independently, or under the protocol described in Subsection (1)(e), to a victim of sexual assault; and
 - (ii) is trained to comply with the requirements of this section.
- (2) A freestanding urgent care center is exempt from the requirements of Subsection (1) if:
- (a) there is a general acute hospital or a critical access hospital within 30 miles of the freestanding urgent care center; and
 - (b) an employee of the freestanding urgent care center provides the victim with:
 - (i) written and oral medical information regarding emergency contraception that is unbiased, accurate, and generally accepted by the medical community as being scientifically valid; and
 - (ii) the name and address of the general acute hospital or critical access hospital described in Subsection (2)(a).
- (3) A practitioner shall comply with Subsection (4) with regard to a person who is a victim of sexual assault, if the person presents to receive medical care, or receives medical care, from the practitioner at a location that is not a designated facility.
- (4) A practitioner described in Subsection (3) shall:
- (a) provide the victim with written and oral medical information regarding emergency contraception that is unbiased, accurate, and generally accepted by the medical community as being scientifically valid; and
 - (b)
 - (i)
 - (A) orally inform the victim of sexual assault that the victim may obtain emergency contraception at the facility where the practitioner is located; and
 - (B) provide emergency contraception to the victim of sexual assault, if she requests emergency contraception; or
 - (ii) inform the victim of sexual assault of the nearest location where she may obtain emergency contraception.

Amended by Chapter 140, 2010 General Session

Part 3

Investigation and Enforcement

26-21b-301 Investigation and enforcement.

- (1) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to enforce the provisions of this chapter.

- (2) The department shall, in an expeditious manner, investigate any complaint received by the department regarding the failure of a health care facility to comply with a requirement of this chapter.
- (3) If the department finds a violation of this chapter, or any rules adopted pursuant to this chapter, the department may take one or more of the actions described in Section 26-21-11.

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