

SEXUAL ASSAULT VICTIM PROTOCOLS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill amends Sexual Assault Victim Protocols within the Utah Health Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ exempts a freestanding urgent care center from providing emergency contraception if there is a hospital within 30 miles; and
- ▶ requires an exempt freestanding urgent care center to provide certain information to a victim.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-21b-102, as enacted by Laws of Utah 2009, Chapter 266

26-21b-201, as enacted by Laws of Utah 2009, Chapter 266

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-21b-102** is amended to read:



28 **26-21b-102. Definitions.**

29 As used in this chapter:

30 (1) "Critical access hospital" means a critical access hospital that meets the criteria of
31 42 U.S.C. 1395i-4(c)(2)(1998).

32 [~~(1)~~] (2) "Designated facility" means:

33 (a) a freestanding urgent care center[~~as defined in Section 59-12-801~~];

34 (b) a general acute hospital[~~as defined in Section 26-21-2~~]; or

35 (c) a critical access hospital [~~that meets the criteria of 42 U.S.C. 1395i-4(c)(2) (1998)~~].

36 [~~(2)~~] (3) "Emergency contraception" means the use of a substance, approved by the
37 United States Food and Drug Administration, to prevent pregnancy after sexual intercourse.

38 (4) "Freestanding urgent care center" is as defined in Section 59-12-801.

39 (5) "General acute hospital" is as defined in Section 26-21-2.

40 [~~(3)~~] (6) "Physician" means a person:

41 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

42 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical

43 Practice Act.

44 [~~(4)~~] (7) "Practitioner" means:

45 (a) a physician; or

46 (b) any other person who is permitted by law to prescribe emergency contraception.

47 [~~(5)~~] (8) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,
48 Part 4, Sexual Offenses, that may result in a pregnancy.

49 [~~(6)~~] (9) "Victim of sexual assault" means any person who presents to receive, or
50 receives, medical care in consequence of being subjected to sexual assault.

51 Section 2. Section **26-21b-201** is amended to read:

52 **26-21b-201. Emergency contraception services for a victim of sexual assault.**

53 (1) [~~A~~] Except as provided in Subsection (2), a designated facility shall provide the
54 following services to a victim of sexual assault:

55 (a) provide the victim with written and oral medical information regarding emergency
56 contraception that is unbiased, accurate, and generally accepted by the medical community as
57 being scientifically valid;

58 (b) orally inform the victim of sexual assault that the victim may obtain emergency

59 contraception at the designated facility;

60 (c) offer a complete regimen of emergency contraception to a victim of sexual assault;

61 (d) provide, at the designated facility, emergency contraception to the victim of sexual
62 assault upon her request;

63 (e) maintain a protocol, prepared by a physician, for the administration of emergency
64 contraception at the designated facility to a victim of sexual assault; and

65 (f) develop and implement a written policy to ensure that a person is present at the
66 designated facility, or on-call, who:

67 (i) has authority to dispense or prescribe emergency contraception, independently, or
68 under the protocol described in Subsection (1)(e), to a victim of sexual assault; and

69 (ii) is trained to comply with the requirements of this section.

70 (2) A freestanding urgent care center is exempt from the requirements of Subsection
71 (1) if:

72 (a) there is a general acute hospital or a critical access hospital within 30 miles of the
73 freestanding urgent care center; and

74 (b) an employee of the freestanding urgent care center provides the victim with:

75 (i) written and oral medical information regarding emergency contraception that is
76 unbiased, accurate, and generally accepted by the medical community as being scientifically
77 valid; and

78 (ii) the name and address of the general acute hospital or critical access hospital
79 described in Subsection (2)(a).

80 [~~2~~] (3) A practitioner shall comply with Subsection [~~3~~] (4) with regard to a person
81 who is a victim of sexual assault, if the person presents to receive medical care, or receives
82 medical care, from the practitioner at a location that is not a designated facility.

83 [~~3~~] (4) A practitioner described in Subsection [~~2~~] (3) shall:

84 (a) provide the victim with written and oral medical information regarding emergency
85 contraception that is unbiased, accurate, and generally accepted by the medical community as
86 being scientifically valid; and

87 (b) (i) (A) orally inform the victim of sexual assault that the victim may obtain
88 emergency contraception at the facility where the practitioner is located; and

89 (B) provide emergency contraception to the victim of sexual assault, if she requests

90 emergency contraception; or
91 (ii) inform the victim of sexual assault of the nearest location where she may obtain
92 emergency contraception.

Legislative Review Note
as of 2-8-10 11:05 AM

Office of Legislative Research and General Counsel

H.B. 340 - Sexual Assault Victim Protocols

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. Some freestanding urgent care centers will no longer need to purchase and maintain \$600 in certain drugs.
