

SALE OF SEXUAL ASSAULT TEST KITS PROHIBITED

UT H.B. 0168

OBJECTIVE

"Over-the-counter" or self-collected sexual assault kits (sometimes referred to as "DIY" kits or "At Home" kits), are used as an alternative to sexual assault medical forensic examinations (SAMFEs). COVID-19 and other healthcare demands have prompted an increased interest in over-the-counter kits as a feasible alternative. Self-collected sexual assault kits create enormous risks and health challenges. National best practice recommendations mandate prohibiting the sale and use of self-collected sexual assault kits.

JUSTIFICATION

1. YOU ARE MORE THAN EVIDENCE - victims of sexual assault deserve health care and advocacy resources following the assault, at home kits do not provide these services.
2. Sexual assault forensic medical exams are free and include evaluation of injuries, resources, and medication to prevent pregnancy and STIs whereas over-the-counter kits are an increased financial, mental, and physical cost to victims.
3. There is no legal certification for evidence collected in at-home rape kits and cannot be used in court of law providing false hope to victims.
4. Chain of custody is required to validate evidence which is not feasible for at home kits.
5. Victims would likely need to pay for the evidence analysis at an independent laboratory. State authorized sexual assault kits are provided by the State and are free to victims.

SOURCES:

<https://le.utah.gov/~2021/bills/static/HB0168.html>
https://cdn.ymaws.com/www.forensicnurses.org/resource/resmgr/responding_to_victim_adminis.pdf

COMPARISON

At home kits provide evidence collection.

Certified Sexual Assault Medical Forensic Examinations (SAMFEs) provide:

- Evidence Collection Admissible in Utah Court
- FREE STI Medication and Preventative Care
- FREE Medical Assessment by a trained Sexual Assault Nurse Examiner
- FREE Automatic Advocate with Professional Training
- Reassurance
- Ability to Ask Questions
- Compassionate Care.

LANGUAGE:

76-5-611. Sale of over-the-counter sexual assault evidence kit prohibited.

(1) (a) As used in this section, "over-the-counter sexual assault evidence kit" means a sexual assault forensic exam kit or rape kit that:

- (i) is marketed or presented as over-the-counter, at-home, or self-collected;
- (ii) is offered for sale or as a sample to members of the public; and
- (iii) purports to allow an individual to independently collect evidence of a sexual assault outside of a collecting facility.

(b) An "over-the-counter sexual assault evidence kit" does not include a sexual assault kit sold or provided to law enforcement or medical personnel or a collecting facility.

(2) A person may not sell, offer for sale, or provide to an individual an over-the-counter sexual assault evidence kit.

(3) A violation of this section is an infraction, punishable by a fine not exceeding \$500.