

Representative Jackie Biskupski proposes the following substitute bill:

SEXUAL ASSAULT VICTIM PROTOCOLS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ requires a designated facility to provide to a victim of sexual assault with:
 - information regarding emergency contraception; and
 - emergency contraception, upon request by the victim;
 - ▶ requires a designated facility to:
 - maintain a protocol, prepared by a physician, for the administration of emergency contraception at the designated facility to a victim of sexual assault;
- and
- develop and implement a written policy to ensure that a person is present at the facility, or on-call, who has authority and training to comply with the requirements of this bill;
- ▶ requires a ~~H~~→ **[physician] practitioner** ←~~H~~ who is not at a designated facility to:
 - provide a victim of sexual assault with information regarding emergency contraception; and



- 26 • provide the victim of sexual assault with emergency contraception, upon her
- 27 request, or inform her of the nearest location where she may obtain
- 28 emergency contraception;
- 29 ▶ grants rulemaking authority to the Department of Health; and
- 30 ▶ provides for the enforcement of the provisions of this bill by the Department of
- 31 Health.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 ENACTS:

- 38 **26-21b-101**, Utah Code Annotated 1953
- 39 **26-21b-102**, Utah Code Annotated 1953
- 40 **26-21b-201**, Utah Code Annotated 1953
- 41 **26-21b-301**, Utah Code Annotated 1953

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

44 Section 1. Section **26-21b-101** is enacted to read:

45 **CHAPTER 21b. SEXUAL ASSAULT VICTIM PROTOCOLS**

46 **Part 1. General Provisions**

47 **26-21b-101. Title.**

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

49 Section 2. Section **26-21b-102** is enacted to read:

50 **26-21b-102. Definitions.**

51 As used in this chapter:

52 (1) "Designated facility" means:

53 (a) a freestanding urgent care center, as defined in Section 59-12-801; ~~or~~

54 (b) a general acute hospital, as defined in Section 26-21-2 ~~or~~

54a (c) a critical access hospital that meets the criteria of 42 U.S.C. 1395i-4(c)(2)

54b (1998).

55 (2) "Emergency contraception" means the use of a substance ~~or device~~

55a approved by the

56 United States Food and Drug Administration, to prevent pregnancy after sexual intercourse.

57 (3) "Physician" means a person:

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

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

60 Practice Act.

60a **H→ (4) "Practitioner" means:**

60b (a) a physician; or

60c (b) any other person who is permitted by law to prescribe emergency

60d contraception.

61 ~~[(4)] (5) ←H~~ "Sexual assault" means any criminal conduct described in Title 76,

61a Chapter 5, Part

62 4, Sexual Offenses, that may result in a pregnancy.

63 **H→** ~~[(5)] (6) ←H~~ "Victim of sexual assault" means any person who presents to receive,

63a or receives,

64 medical care in consequence of being subjected to sexual assault.

65 Section 3. Section **26-21b-201** is enacted to read:

66 **Part 2. Emergency Contraception Services**

67 **26-21b-201. Emergency contraception services for a victim of sexual assault.**

68 (1) A designated facility shall provide the following services to a victim of sexual
69 assault:

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

73 (b) orally inform the victim of sexual assault that the victim may obtain emergency
74 contraception at the designated facility;

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

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

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

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

82 (i) has authority to dispense or prescribe emergency contraception, independently, or

83 under the protocol described in Subsection **H→** [(5)] (1)(e) ←H , to a victim of sexual assault; and

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

85 (2) A ~~H~~→ **[physician] practitioner** ←~~H~~ shall comply with Subsection (3) with regard to a
85a person who is a
86 victim of sexual assault, if the person presents to receive medical care, or receives medical
87 care, from the ~~H~~→ **[physician] practitioner** ←~~H~~ at a location that is not a designated facility.

88 (3) A ~~H~~→ [physician] practitioner ←~~H~~ described in Subsection (2) shall:

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

92 (b) (i) (A) orally inform the victim of sexual assault that the victim may obtain
93 emergency contraception at the facility where the ~~H~~→ [physician] practitioner ←~~H~~ is located; and

94 (B) provide emergency contraception to the victim of sexual assault, if she requests
95 emergency contraception; or

96 (ii) inform the victim of sexual assault of the nearest location where she may obtain
97 emergency contraception.

98 Section 4. Section 26-21b-301 is enacted to read:

99 **Part 3. Investigation and Enforcement**

100 **26-21b-301. Investigation and enforcement.**

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

103 (2) The department shall, in an expeditious manner, investigate any complaint received
104 by the department regarding the failure of a health care facility to comply with a requirement of
105 this chapter.

106 (3) If the department finds a violation of this chapter, or any rules adopted pursuant to
107 this chapter, the department may take one or more of the actions described in Section 26-21-11.

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Fiscal Note

2009 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 and general acute hospitals will need to purchase and maintain \$600 in certain drugs to comply with the legislation.
