

SEXUAL ASSAULT VICTIM PROTOCOLS

2009 GENERAL SESSION

STATE OF UTAH

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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 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

33 requirements of this bill;

34 ▶ requires a practitioner who is not at a designated facility to:

35 • provide a victim of sexual assault with information regarding emergency

36 contraception; and

37 • provide the victim of sexual assault with emergency contraception, upon her

38 request, or inform her of the nearest location where she may obtain

39 emergency contraception;

40 ▶ grants rulemaking authority to the Department of Health; and

41 ▶ provides for the enforcement of the provisions of this bill by the Department of

42 Health.

43 **Monies Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 ENACTS:

49 **26-21b-101**, Utah Code Annotated 1953

50 **26-21b-102**, Utah Code Annotated 1953

51 **26-21b-201**, Utah Code Annotated 1953

52 **26-21b-301**, Utah Code Annotated 1953



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

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

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

57 **Part 1. General Provisions**

58 **26-21b-101. Title.**

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

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

61 **26-21b-102. Definitions.**

62 As used in this chapter:

63 (1) "Designated facility" means:

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

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

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

67 (2) "Emergency contraception" means the use of a substance, approved by the United
68 States Food and Drug Administration, to prevent pregnancy after sexual intercourse.

69 (3) "Physician" means a person:

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

71 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
72 Practice Act.

73 (4) "Practitioner" means:

74 (a) a physician; or

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

76 (5) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part
77 4, Sexual Offenses, that may result in a pregnancy.

78 (6) "Victim of sexual assault" means any person who presents to receive, or receives,
79 medical care in consequence of being subjected to sexual assault.

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

81 **Part 2. Emergency Contraception Services**

82 **26-21b-201. Emergency contraception services for a victim of sexual assault.**

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

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

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

89 contraception at the designated facility;

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

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

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

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

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

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

100 (2) A practitioner shall comply with Subsection (3) with regard to a person who is a
101 victim of sexual assault, if the person presents to receive medical care, or receives medical
102 care, from the practitioner at a location that is not a designated facility.

103 (3) A practitioner described in Subsection (2) shall:

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

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

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

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

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

114 **Part 3. Investigation and Enforcement**

115 **26-21b-301. Investigation and enforcement.**

116 (1) The department may make rules, in accordance with Title 63G, Chapter 3, Utah

117 Administrative Rulemaking Act, to enforce the provisions of this chapter.

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

121 (3) If the department finds a violation of this chapter, or any rules adopted pursuant to
122 this chapter, the department may take one or more of the actions described in Section
123 26-21-11.