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
requirements of this bill;
   • requires a practitioner who is not at a designated facility to:
     • provide a victim of sexual assault with information regarding emergency
   contraception; and
   • provide the victim of sexual assault with emergency contraception, upon her
request, or inform her of the nearest location where she may obtain
emergency contraception;
   • grants rulemaking authority to the Department of Health; and
   • provides for the enforcement of the provisions of this bill by the Department of
Health.
Monies Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
ENACTS:
   26-21b-101, Utah Code Annotated 1953
   26-21b-102, Utah Code Annotated 1953
   26-21b-201, Utah Code Annotated 1953
   26-21b-301, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:
Section 1. Section 26-21b-101 is enacted to read:

CHAPTER 21b. SEXUAL ASSAULT VICTIM PROTOCOLS


26-21b-101. Title.
This chapter is known as "Sexual Assault Victim Protocols."

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

As used in this chapter:

(1) "Designated facility" means:
(a) a freestanding urgent care center, as defined in Section 59-12-801;
(b) a general acute hospital, as defined in Section 26-21-2; or
(c) a critical access hospital that meets the criteria of 42 U.S.C. 1395i-4(c)(2) (1998).

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

(3) "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.

(4) "Practitioner" means:
(a) a physician; or
(b) any other person who is permitted by law to prescribe emergency contraception.

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

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

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

Part 2. Emergency Contraception Services

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

(1) 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.
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 practitioner shall comply with Subsection (3) 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.

(3) A practitioner described in Subsection (2) 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.

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

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
(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.