

1 **SEXUAL ASSAULT VICTIM PROTOCOLS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jackie Biskupski**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires a health care facility to provide to a victim of sexual assault:
- 14 • information regarding emergency contraception; and
 - 15 • emergency contraception, upon request by the victim;
- 16 ▶ requires a health care facility to:
- 17 • maintain a protocol, prepared by a physician, for the administration of

18 emergency contraception at the health care facility to a victim of sexual assault;

19 and

- 20 • develop and implement a written policy to ensure that a person is present at the

21 facility, or on-call, who has authority and training to comply with the

22 requirements of this bill;

- 23 ▶ grants rulemaking authority to the Department of Health; and
- 24 ▶ provides for the enforcement of the provisions of this bill by the Department of

25 Health.

26 **Monies Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **26-21b-101**, Utah Code Annotated 1953

33 **26-21b-102**, Utah Code Annotated 1953

34 **26-21b-201**, Utah Code Annotated 1953

35 **26-21b-301**, Utah Code Annotated 1953



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

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

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

40 **Part 1. General Provisions**

41 **26-21b-101. Title.**

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

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

44 **26-21b-102. Definitions.**

45 As used in this chapter:

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

48 (2) "Health care facility" is as defined in Section 26-21-2.

49 (3) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part
50 4, Sexual Offenses, that may result in a pregnancy.

51 (4) "Victim of sexual assault" means any person who presents to receive, or receives,
52 medical care at a health care facility in consequence of being subjected to sexual assault.

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

54 **Part 2. Emergency Contraception Services**

55 **26-21b-201. Emergency contraception services for a victim of sexual assault.**

56 A health care facility shall provide the following services to a victim of sexual assault:

57 (1) provide the victim with written and oral medical information regarding emergency
58 contraception that is unbiased, accurate, and generally accepted by the medical community as

59 being scientifically valid;

60 (2) orally inform the victim of sexual assault that the victim may obtain emergency
61 contraception at the health care facility;

62 (3) offer a complete regimen of emergency contraception to a victim of sexual assault;

63 (4) provide, at the health care facility, emergency contraception to the victim of sexual
64 assault upon her request;

65 (5) maintain a protocol, prepared by a physician, for the administration of emergency
66 contraception at the health care facility to a victim of sexual assault; and

67 (6) develop and implement a written policy to ensure that a person is present at the
68 facility, or on-call, who:

69 (a) has authority to dispense or prescribe emergency contraception, independently, or
70 under the protocol described in Subsection (5), to a victim of sexual assault; and

71 (b) is trained to comply with the requirements of this section.

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

73 **Part 3. Investigation and Enforcement**

74 **26-21b-301. Investigation and enforcement.**

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

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

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

Legislative Review Note
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Office of Legislative Research and General Counsel