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1	SEXUAL ASSAULT VICTIM PROTOCOLS
2	2010 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Jackie Biskupski
5	Senate Sponsor: John L. Valentine
6 7	LONG TITLE
8	General Description:
9	This bill amends Sexual Assault Victim Protocols within the Utah Health Code.
10	Highlighted Provisions:
11	This bill:
12	 defines terms;
13	 exempts a freestanding urgent care center from providing emergency contraception
14	if there is a hospital within 30 miles; and
15	 requires an exempt freestanding urgent care center to provide certain information to
16	a victim.
17	Monies Appropriated in this Bill:
18	None
19	Other Special Clauses:
20	None
21	Utah Code Sections Affected:
22	AMENDS:
23	26-21b-102 , as enacted by Laws of Utah 2009, Chapter 266
24	26-21b-201, as enacted by Laws of Utah 2009, Chapter 266
25	
26	Be it enacted by the Legislature of the state of Utah:
27	Section 1. Section 26-21b-102 is amended to read:
28	26-21b-102. Definitions.

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29 As used in this chapter:

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30	(1) "Critical access hospital" means a critical access hospital that meets the criteria of
31	<u>42 U.S.C. Sec. 1395i-4(c)(2)(1998).</u>
32	[(1)] (2) "Designated facility" means:
33	(a) a freestanding urgent care center[, as defined in Section 59-12-801];
34	(b) a general acute hospital[, as defined in Section 26-21-2]; or
35	(c) a critical access hospital [that meets the criteria of 42 U.S.C. 1395i-4(c)(2) (1998)].
36	$\left[\frac{(2)}{(3)}\right]$ "Emergency contraception" means the use of a substance, approved by the
37	United States Food and Drug Administration, to prevent pregnancy after sexual intercourse.
38	(4) "Freestanding urgent care center" is as defined in Section 59-12-801.
39	(5) "General acute hospital" is as defined in Section 26-21-2.
40	[(3)] (6) "Physician" means a person:
41	(a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or
42	(b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
43	Practice Act.
44	[(4)] (7) "Practitioner" means:
45	(a) a physician; or
46	(b) any other person who is permitted by law to prescribe emergency contraception.
47	[(5)] (8) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,
48	Part 4, Sexual Offenses, that may result in a pregnancy.
49	[(6)] (9) "Victim of sexual assault" means any person who presents to receive, or
50	receives, medical care in consequence of being subjected to sexual assault.
51	Section 2. Section 26-21b-201 is amended to read:
52	26-21b-201. Emergency contraception services for a victim of sexual assault.
53	(1) [A] Except as provided in Subsection (2), a designated facility shall provide the
54	following services to a victim of sexual assault:
55	(a) provide the victim with written and oral medical information regarding emergency
56	contraception that is unbiased, accurate, and generally accepted by the medical community as
57	being scientifically valid;

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58	(b) orally inform the victim of sexual assault that the victim may obtain emergency
59	contraception at the designated facility;
60	(c) offer a complete regimen of emergency contraception to a victim of sexual assault;
61	(d) provide, at the designated facility, emergency contraception to the victim of sexual
62	assault upon her request;
63	(e) maintain a protocol, prepared by a physician, for the administration of emergency
64	contraception at the designated facility to a victim of sexual assault; and
65	(f) develop and implement a written policy to ensure that a person is present at the
66	designated facility, or on-call, who:
67	(i) has authority to dispense or prescribe emergency contraception, independently, or
68	under the protocol described in Subsection (1)(e), to a victim of sexual assault; and
69	(ii) is trained to comply with the requirements of this section.
70	(2) A freestanding urgent care center is exempt from the requirements of Subsection
71	<u>(1) if:</u>
72	(a) there is a general acute hospital or a critical access hospital within 30 miles of the
73	freestanding urgent care center; and
74	(b) an employee of the freestanding urgent care center provides the victim with:
75	(i) written and oral medical information regarding emergency contraception that is
76	unbiased, accurate, and generally accepted by the medical community as being scientifically
77	valid; and
78	(ii) the name and address of the general acute hospital or critical access hospital
79	described in Subsection (2)(a).
80	[(2)] (3) A practitioner shall comply with Subsection $[(3)]$ (4) with regard to a person
81	who is a victim of sexual assault, if the person presents to receive medical care, or receives
82	medical care, from the practitioner at a location that is not a designated facility.
83	[(3)] (4) A practitioner described in Subsection $[(2)]$ (3) shall:
84	(a) provide the victim with written and oral medical information regarding emergency
85	contraception that is unbiased, accurate, and generally accepted by the medical community as

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86 being scientifically valid; and

- 87 (b) (i) (A) orally inform the victim of sexual assault that the victim may obtain
- 88 emergency contraception at the facility where the practitioner is located; and
- 89 (B) provide emergency contraception to the victim of sexual assault, if she requests
- 90 emergency contraception; or
- 91 (ii) inform the victim of sexual assault of the nearest location where she may obtain
- 92 emergency contraception.