SEXUAL ASSAULT VICTIM PROTOCOLS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- exempts a freestanding urgent care center from providing emergency contraception if there is a hospital within 30 miles; and
- requires an exempt freestanding urgent care center to provide certain information to a victim.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-21b-102, as enacted by Laws of Utah 2009, Chapter 266

26-21b-201, as enacted by Laws of Utah 2009, Chapter 266

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

Section 1. Section 26-21b-102 is amended to read:

26-21b-102. Definitions.

As used in this chapter:
H.B. 340

(1) "Critical access hospital" means a critical access hospital that meets the criteria of 42 U.S.C. Sec. 1395i-4(c)(2)(1998).

(2) "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).

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

(4) "Freestanding urgent care center" is as defined in Section 59-12-801.

(5) "General acute hospital" is as defined in Section 26-21-2.

(6) "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.

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

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

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

Section 2. Section 26-21b-201 is amended to read:

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

(1) Except as provided in Subsection (2), 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 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 freestanding urgent care center is exempt from the requirements of Subsection (1) if:

(a) there is a general acute hospital or a critical access hospital within 30 miles of the freestanding urgent care center; and

(b) an employee of the freestanding urgent care center provides the victim with:

(i) written and oral medical information regarding emergency contraception that is unbiased, accurate, and generally accepted by the medical community as being scientifically valid; and

(ii) the name and address of the general acute hospital or critical access hospital described in Subsection (2)(a).

(3) A practitioner shall comply with Subsection (4) 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.

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