

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1576 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/27/07 S3/28/07

A Bill

SENATE BILL 847

5 By: Senator Salmon
6
7

For An Act To Be Entitled

9 AN ACT TO CREATE A MODEL ACT TO GUARANTEE SEXUAL
10 ASSAULT SURVIVORS INFORMATION REGARDING EMERGENCY
11 CONTRACEPTION IN HOSPITAL EMERGENCY DEPARTMENTS;
12 AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO GUARANTEE SEXUAL ASSAULT
15 SURVIVORS INFORMATION REGARDING
16 EMERGENCY CONTRACEPTION IN HOSPITAL
17 EMERGENCY DEPARTMENTS.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 20, Chapter 13 is amended to add an
24 additional subchapter to read as follows:

25 20-13-1401. Findings -- Purpose.

26 (a) The General Assembly finds that:

27 (1) One (1) of every six (6) women in the United States will be
28 the victim of a sexual assault;

29 (2) Forty-four percent (44%) of the victims of a sexual assault
30 are under eighteen (18) years of age, and eighty percent (80%) of the
31 victims of a sexual assault are under thirty (30) years of age;

32 (3) It is estimated that sixty percent (60%) of all sexual
33 assaults are not reported;

34 (4) A woman who is the survivor of a sexual assault may face the
35 additional trauma of an unwanted pregnancy or the fear that pregnancy may



1 result;

2 (5) Each year, between twenty-five thousand (25,000) and thirty-
3 two thousand (32,000) women in the United States become pregnant as a result
4 of sexual assaults, and approximately twenty-two thousand (22,000) of these
5 pregnancies could be prevented if these women used emergency contraception;

6 (6) Standards of emergency care established by the American
7 College of Emergency Medicine and the American Medical Association require
8 that sexual assault survivors be counseled about their risk of pregnancy and
9 offered emergency contraception;

10 (7) The National Protocol for Sexual Assault Medical Forensic
11 Examinations issued by the United States Department of Justice Office on
12 Violence Against Women recognizes pregnancy as an often overwhelming
13 and genuine fear among sexual assault survivors and recommends that health
14 care providers discuss treatment options with patients, including
15 reproductive health services;

16 (8) The federal Food and Drug Administration has declared
17 emergency contraception to be safe and effective in preventing unintended
18 pregnancy and has approved over-the-counter access to the medication for
19 women over eighteen (18) years of age;

20 (9) Emergency contraception is designed to prevent pregnancy if
21 taken within one hundred twenty (120) hours after unprotected sexual
22 intercourse, but it is most effective if taken within twenty-four (24) hours
23 after unprotected sexual intercourse;

24 (10) There are inconsistent policies and practices among
25 Arkansas hospitals for dispensing emergency contraception and providing
26 education to sexual assault survivors; AND

27 (11) Because emergency contraception is time-sensitive and a
28 sexual assault survivor may have delayed seeking hospital treatment, it is
29 critical that she be informed of this option at the time of her treatment.

30 (b) The purpose of this subchapter is to:

31 (1) Promote awareness of the availability of emergency
32 contraception for sexual assault survivors as a compassionate response to
33 their traumas; and

34 (2) Reduce the number of unintended pregnancies and induced
35 abortions that result from sexual assault.

36

1 20-13-1402. Definitions.

2 As used in this subchapter:

3 (1)(A) "Emergency contraception" means a drug approved by the
4 federal Food and Drug Administration that prevents pregnancy after sexual
5 intercourse, including without limitation oral contraceptive pills.

6 (B) "Emergency contraception" does not include RU-486,
7 mifepristone, or any other drug or device that induces a medical abortion;
8 and

9 (2) "Sexual assault survivor" means a female who:

10 (A) Alleges or is alleged to have been the victim of
11 sexual assault or to have been raped; and

12 (B) Presents as a patient for treatment with regard to the
13 sexual assault or rape.

14
15 20-13-1403. Emergency contraception information required.

16 (a) All health care facilities that are licensed in this state and
17 provide emergency care to sexual assault survivors shall amend their
18 evidence-collection protocols for the treatment of sexual assault survivors
19 to include informing the survivor in a timely manner of the availability of
20 emergency contraception as a means of pregnancy prophylaxis and educating the
21 sexual assault survivor on the proper use of emergency contraception and the
22 appropriate follow-up care.

23 (b) This section does not require:

24 (1) A health care professional who is employed by a health
25 care facility that provides emergency care to a sexual assault survivor to
26 inform the sexual assault survivor of the availability of emergency
27 contraception if the health care professional refuses to provide the
28 information on the basis of religious or moral beliefs; or

29 (2) A health care facility to provide emergency contraception to
30 a sexual assault survivor who is not at risk of becoming pregnant as a result
31 of the sexual assault or who was already pregnant at the time of the sexual
32 assault.

33 (c) The General Assembly encourages each health care facility to
34 provide training to emergency room staff concerning the efficacy of emergency
35 contraception and the time-sensitive nature of the drug.

36 (d)(1) Because emergency contraception is time-sensitive and a sexual

1 assault survivor may seek information on or direct access to emergency
2 contraception to prevent an unintended pregnancy resulting from the assault
3 instead of or before seeking hospital treatment, it is critical that a sexual
4 assault survivor has accurate information about the availability and use of
5 emergency contraception.

6 (2) Therefore, the General Assembly encourages:

7 (A) An entity offering victim assistance or counseling and
8 rape crisis hotlines to include information concerning the availability and
9 use of emergency contraception; and

10 (B) A licensed or registered pharmacy in the state of
11 Arkansas to distribute information concerning the availability and use of
12 emergency contraception.

13
14 /s/ Salmon

15
16 APPROVED: 4/9/2007
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36