

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2782

4
5 By: Representative Elliott
6
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE EMERGENCY CONTRACEPTION FOR
10 RAPE SURVIVORS ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 THE EMERGENCY CONTRACEPTION FOR RAPE
14 SURVIVORS ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 20, Chapter 82, is amended to add an
20 additional subchapter to read as follows:

21 20-82-301. Title.

22 This subchapter shall be known and may be cited as the "Emergency
23 Contraception for rape Survivors Act".
24

25 20-82-302. Findings.

26 The General Assembly finds that:

27 (1) One (1) out of every five (5) women in the United States has
28 been raped;

29 (2) Each year, over three hundred thousand (300,000) women are
30 raped in the United States;

31 (3) After a woman is raped, she may face the additional trauma
32 of an unwanted pregnancy by the rapist;

33 (4) Each year, over thirty-two thousand (32,000) women become
34 pregnant as a result of rape and approximately fifty percent (50%) of these
35 pregnancies end in abortion;

36 (5) United States Food and Drug Administration approved



1 emergency contraception prevents pregnancy after unprotected intercourse;

2 (6) Emergency contraception cannot and does not cause abortion;

3 (7) Emergency contraceptive pills, which are special doses of
 4 ordinary birth control pills, reduce the risk of pregnancy following
 5 unprotected intercourse by between seventy-five percent (75%) and eighty-nine
 6 percent (89%);

7 (8) Delaying the first dose of emergency contraceptive pills
 8 beyond twelve (12) hours increases the odds of pregnancy by almost fifty
 9 percent (50%);

10 (9) Standards of emergency care established by the American
 11 Medical Association require that rape survivors be counseled about their risk
 12 of pregnancy and offered emergency contraception;

13 (10) A study found that nearly one (1) in three (3) hospitals
 14 fail to offer emergency contraception to rape survivors;

15 (11) An additional twenty-three percent (23%) of hospitals have
 16 no clear policy on this issue; and

17 (12) Only eleven percent (11%) of women have heard of emergency
 18 contraception, are aware of its availability, and know that treatment must be
 19 initiated within seventy-two (72) hours.

20
 21 20-82-303. Definitions.

22 As used in this subchapter:

23 (1) "Emergency care to rape survivors" means medical
 24 examinations, procedures, and services provided by a health care facility to
 25 a rape survivor following an alleged rape;

26 (2) "Emergency contraception" means any drug or device approved
 27 by the United States Food and Drug Administration that prevents pregnancy
 28 after sexual intercourse;

29 (3) "Health care facility" means a hospital, emergency care
 30 facility, health clinic, or other health care center;

31 (4) "Rape" means sexual intercourse or deviate sexual activity
 32 with a female:

33 (A) By forcible compulsion;

34 (B) Who is incapable of consent because she is physically
 35 helpless, mentally defective, or mentally incapacitated; or

36 (C) Who is less than fourteen (14) years of age; and

1 (5) “rape survivor” means a female who alleges or is alleged to
2 have been raped.

3
4 20-82-304. Emergency care to rape survivors.

5 It shall be the standard of care for a health care facility that
6 provides emergency care to rape survivors to:

7 (1) Provide each rape survivor with medically and factually
8 accurate and unbiased written and oral information about emergency
9 contraception;

10 (2) Orally inform each rape survivor of her option to be
11 provided emergency contraception at the health care facility; and

12 (3)(A) Provide emergency contraception immediately at the health
13 care facility to each rape survivor who requests it.

14 (B) If the emergency contraception is in the form of a
15 pill, the provision of emergency contraception shall include the initial dose
16 that the rape survivor may take at the health care facility, as well as the
17 follow-up dose that the rape survivor may self-administer later.

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19 20-82-305. Training.

20 Each health care facility shall ensure that each person who provides
21 care to rape survivors is provided with medically and factually accurate and
22 unbiased information about emergency contraception.

23
24 20-82-306. Enforcement.

25 (a) In addition to any other remedies at law, the Department of Health
26 shall respond to complaints and shall periodically determine whether health
27 care facilities are complying with this subchapter.

28 (b) The department may use all methods available to verify compliance
29 with this section.

30 (c) If the department determines that a health care facility is not in
31 compliance with this subchapter, the department shall:

32 (1) Impose a fine of five thousand dollars (\$5,000) per rape
33 survivor who is:

34 (A) Denied medically and factually accurate and unbiased
35 information about emergency contraception; or

36 (B) Not offered or provided emergency contraception;

1 (2)(A) Impose a fine of five thousand dollars (\$5,000) for
2 failure to comply with this subchapter.

3 (B) For each thirty-day period that the health care
4 facility continues in noncompliance with this subchapter, an additional fine
5 of five thousand dollars (\$5,000) shall be imposed; and

6 (3) After two (2) violations, suspend or revoke the license or
7 deny the health care facility's application for a license.

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