

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  
4

*As Engrossed: H3/30/05 H4/7/05*

# A Bill

HOUSE BILL 2782

5 By: Representative Elliott  
6  
7

## For An Act To Be Entitled

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

### Subtitle

13 THE EMERGENCY CONTRACEPTION FOR RAPE  
14 SURVIVORS ACT.

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16  
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) One (1) in three (3) hospitals fail to offer emergency  
14 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 or health clinic;

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 and presents as a patient.

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 or not provided emergency contraception at the health care facility;  
12 and

13           (3)(A) Provide:

14                   (i) Emergency contraception immediately at the  
15 health care facility to each rape survivor who requests it; or

16                   (ii) The rape survivor a medical referral to a site  
17 where emergency contraception is available.

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

22           (C) The cost of the emergency contraception shall be the  
23 responsibility of the rape survivor unless there are other means of payment  
24 at the rape survivor's disposal.

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26           20-82-305. Training.

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

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31           20-82-306. Enforcement.

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

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

