

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 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 847

4
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 VICTIMS ACCESS TO EMERGENCY CONTRACEPTION
11 IN HOSPITAL EMERGENCY DEPARTMENTS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 A MODEL ACT TO GUARANTEE SEXUAL ASSAULT
16 VICTIMS ACCESS TO EMERGENCY
17 CONTRACEPTION IN HOSPITAL EMERGENCY
18 DEPARTMENTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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. Title.

26 This subchapter shall be known and may be cited as the "Emergency Care
27 for Sexual Assault Victims Act of 2007".
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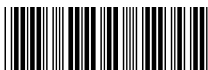
29 20-13-1402. Findings.

30 The General Assembly finds that:

31 (1) Each year, over six hundred thousand (600,000) women are
32 sexually assaulted or raped in the United States;

33 (2) After a woman is raped, she may face or anxiously fear the
34 additional trauma of an unwanted pregnancy;

35 (3) Each year, approximately twenty-five thousand (25,000) women
36 in the United States become pregnant as a result of sexual assaulted or rape;



1 (4) An estimated twenty-two thousand (22,000) of these
2 pregnancies, or eighty-eight percent (88%) could be prevented if sexual
3 assault or rape victims had timely access to emergency contraception;

4 (5) Emergency contraception is a safe, responsible, and
5 effective back-up method of birth control that prevents pregnancy after
6 sexual intercourse;

7 (6) Medical research indicates that the sooner emergency
8 contraception is administered, the better are the chances of preventing
9 unintended pregnancy;

10 (7) Emergency contraception does not cause abortion and does not
11 work if a woman is already pregnant;

12 (8) Emergency contraception is an integral part of comprehensive
13 and compassionate emergency care for sexual assault or rape victims;

14 (9) The American College of Emergency Physicians and the
15 American College of Obstetricians and Gynecologists agree that emergency
16 contraception should be offered to sexual assault or rape victims if they are
17 at risk of pregnancy;

18 (10) A nationwide study found that fewer than one half (1/2) of
19 all sexual assault or rape victims eligible for emergency contraception
20 actually received the treatment during a visit to a hospital emergency
21 department;

22 (11)(A) Most women do not know about emergency contraception:

23 (i) Nearly three-fourths (3/4) of women surveyed had
24 not heard of emergency contraception pills, the most commonly used form of
25 emergency contraception; and

26 (ii) Only two percent (2%) of women have ever used
27 them.

28 (B) Therefore, women who have been sexually assaulted or
29 raped are unlikely to ask for emergency contraception; and

30 (12) It is essential for all hospitals that provide emergency
31 medical treatment to offer emergency contraception as a treatment option to
32 any woman who seeks medical care as a result of an alleged sexual assault or
33 rape.

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35 20-13-1403. Definitions.

36 As used in this subchapter:

1 (1) “Emergency care to sexual assault victims” means medical
 2 examinations, procedures, or services provided at a health care facility to a
 3 sexual assault victim following an alleged rape;

4 (2) “Emergency contraception” means any drug or device approved
 5 by the United States Food and Drug Administration that prevents pregnancy
 6 after sexual intercourse;

7 (3) “Medically and factually accurate and objective” means
 8 information verified or supported by the weight of research conducted in
 9 compliance with accepted scientific methods that is:

10 (A) Published in peer-reviewed journals where applicable;
 11 or

12 (B) Recognized as accurate and objective by leading
 13 professional organizations and agencies with relevant expertise in the field;

14 (4) “Sexual assault” means:

15 (A) Sexual assault in the first degree, second degree,
 16 third degree, and fourth degree as defined in § 5-14-124 – 5-14-127; and

17 (B) Rape as defined in § 5-14-103; and

18 (5) “Sexual assault victim” means a female who:

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

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

23
 24 20-13-1404. Emergency care to sexual assault victims.

25 It is the standard of care for health care facilities that provide
 26 emergency care to sexual assault victims to:

27 (1) Provide each sexual assault victim with medically and
 28 factually accurate and objective information in written and oral form about
 29 emergency contraception, prepared pursuant to § 20-13-1406;

30 (2) Orally inform each sexual assault victim of her option to be
 31 provided emergency contraception at the health care facility; and

32 (3) Provide the complete regimen of emergency contraception
 33 immediately at the health care facility to each sexual assault victim who
 34 requests emergency contraception.

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 36 20-13-1405. Training of providers.

1 Each health care facility shall ensure that each person who provides
2 care to a sexual assault victim is provided with medically and factually
3 accurate and objective information about emergency contraception.

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5 20-13-1406. Patient information materials.

6 (a) The State Board of Health shall develop, prepare, and produce
7 informational materials relating to emergency contraception for the
8 prevention of pregnancy for distribution to and use in all emergency
9 departments in the state in quantities sufficient to comply with the
10 requirements of this section.

11 (b) The informational materials required under subsection (a) of this
12 section shall:

13 (1) Provide medically and factually accurate and objective
14 informtion;

15 (2) Be clearly written and readily comprehensible in a manner
16 sensitive to diverse cultures; and

17 (3) Explain the nature of emergency contraception, including its
18 use, safety, efficacy, and availability, and that it does not cause abortion.

19 (c) The board may consult with community sexual assault programs and
20 other relevant stakeholders to include informational materials from other
21 sources for the purposes of this section.

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