

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  
4

As Engrossed: S3/27/07

# A Bill

SENATE BILL 847

5 By: Senator Salmon  
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## 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.  
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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. Findings -- Purpose.

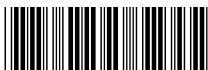
26 (a) The General Assembly finds that:

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  
36 result;



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

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

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

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

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

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

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

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

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

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

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36           20-13-1402. Definitions.

1 As used in this subchapter:

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

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

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

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

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

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

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

22 (b) This section does not require:

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

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

32 (c) If a licensed pharmacy does not have nonprescription emergency  
33 contraception in stock, the pharmacy shall place a conspicuous notice in the  
34 area where customers obtain prescription drugs that states in capital letter  
35 in at least 18-point bold type "EMERGENCY CONTRACEPTION NOT AVAILABLE".

36 (d) The General Assembly encourages each health care facility to

1 provide training to emergency room staff concerning the efficacy of emergency  
2 contraception and the time-sensitive nature of the drug.

3 (e)(1) Because emergency contraception is time-sensitive and a sexual  
4 assault survivor may seek information on or direct access to emergency  
5 contraception to prevent an unintended pregnancy resulting from the assault  
6 instead of or before seeking hospital treatment, it is critical that a sexual  
7 assault survivor has accurate information about the availability and use of  
8 emergency contraception.

9 (2) Therefore, the General Assembly encourages:

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

13 (B) A licensed or registered pharmacy in the state of  
14 Arkansas to distribute information concerning the availability and use of  
15 emergency contraception.

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17 /s/ Salmon  
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