

---

---

## HOUSE CONCURRENT RESOLUTION

URGING ALL HOSPITAL EMERGENCY ROOMS IN THE STATE TO PROVIDE  
EMERGENCY CONTRACEPTION ON DEMAND TO VICTIMS OF SEXUAL  
ASSAULT OR RAPE.

1           WHEREAS, when a victim of violent crime that results in  
2 physical injury seeks medical attention, the health care system  
3 should do everything possible to respond and administer  
4 medically necessary care; and  
5

6           WHEREAS, sexual assault, or rape, is a crime that is  
7 violent, traumatic, and the ultimate, intimate violation in  
8 which a woman loses all sense of personal control, decision-  
9 making, and dignity, and in which she is physically and  
10 psychologically ripped apart; and  
11

12           WHEREAS, healers are responsible for providing victims with  
13 information regarding procedures being followed to ease pain,  
14 information critical to decisions regarding injuries,  
15 information regarding the risks of sexually transmitted disease,  
16 and honest information about the risks of pregnancy and  
17 emergency contraception; and  
18

19           WHEREAS, according to the American College of Obstetricians  
20 and Gynecologists, the American Medical Association, and the  
21 American College of Emergency Physicians, the accepted standard  
22 of care for victims of sexual assault includes the provision of  
23 emergency contraception, if desired; and  
24

25           WHEREAS, across the nation, more than four hundred  
26 Catholic, nonprofit hospitals dispense emergency contraception  
27 to rape victims; and  
28

29           WHEREAS, under Hawaii law, a for-profit corporation would  
30 not qualify for a religious employer exemption to the



1 requirement that employer group medical insurance policies must  
2 provide coverage for contraceptive services; and

3  
4 WHEREAS, a private nonprofit institution would meet the  
5 standard for a religious employer exemption under Hawaii law  
6 regarding contraceptives only if:

- 7  
8 (1) The inculcation of religious values is the purpose of  
9 the entity;
- 10  
11 (2) The organization primarily employs persons who share  
12 its religious beliefs;
- 13  
14 (3) It is not staffed by public employees; and
- 15  
16 (4) The entity qualifies as a nonprofit organization under  
17 section 501(c) (3) of the Internal Revenue Code; and

18  
19 WHEREAS, rape victims and victims of sexual assault deserve  
20 the fullest and best care available according to the standards  
21 set by the American College of Obstetricians and Gynecologists  
22 and other professional medical groups; now, therefore,

23  
24 BE IT RESOLVED by the House of Representatives of the  
25 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
26 of 2009, the Senate concurring, in order to assure that victims  
27 of rape and sexual assault receive the fullest and best care  
28 available, urges all hospital emergency rooms in the State to  
29 adhere to the accepted standard of care for victims of rape and  
30 sexual assault, including the administration of emergency  
31 contraception without delay and without adding insult to injury  
32 by requiring patient transfer to another institution; and

33  
34 BE IT FURTHER RESOLVED that all hospitals in the State are  
35 urged to ensure that all hospital emergency personnel are  
36 properly trained in handling the special needs of rape victims  
37 including the education and provision of emergency contraceptive  
38 services; and



# H.C.R. NO. 121

1  
2  
3  
4  
5

BE IT FURTHER RESOLVED that a certified copy of this  
Concurrent Resolution be transmitted to the Director of Health.

OFFERED BY:

Mary B. Lee  
Richard D. Smith  
[Signature]  
[Signature]  
Wynn D. White  
Guthrie Hieled  
Barbara Manamoto  
[Signature]  
J. Phil. Karaman

MAR 1 2 2009

