

JAN 21 2011

S.B. NO. 611

A BILL FOR AN ACT

RELATING TO EMERGENCY CONTRACEPTIVES FOR SEXUAL ASSAULT
SURVIVORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In 2009, there were three hundred and ninety-
2 two forcible rapes reported in Hawaii. A woman who is sexually
3 assaulted may face the additional trauma of an unwanted
4 pregnancy by the rapist. Of the ninety thousand rape victims in
5 the United States in 2006, many women became pregnant as a
6 result and a number of the pregnancies ended in abortion.

7 Standards of emergency care established by the American
8 Medical Association require that female victims of sexual
9 assault be counseled about the risk of pregnancy and offered
10 emergency contraception. However, one statewide study found
11 that nearly one in three hospitals fail to offer emergency
12 contraception to sexual assault victims in Hawaii. An
13 additional twenty-three per cent have no clear policy on the
14 issue.

15 Most women of reproductive age do not know enough about
16 emergency contraception to ask for it. Only eleven per cent of
17 those women have heard of it, are aware of its availability, and



1 know how soon after sexual intercourse it must be taken to be
2 effective.

3 The purpose of this Act is to ensure that victims of sexual
4 assault are provided information about emergency contraception
5 when receiving medical care at hospitals for sexual assault and
6 to require that emergency contraception is provided to women who
7 request it.

8 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 "PART . EMERGENCY CONTRACEPTIVES

12 FOR SEXUAL ASSAULT SURVIVORS

13 §321- Definitions. As used in this part, unless the
14 context otherwise requires:

15 "Emergency contraception" means a drug that:

- 16 (1) Is used postcoitally;
- 17 (2) Prevents pregnancy by delaying ovulation, preventing
18 fertilization of an egg, or preventing implantation of
19 an egg in a uterus; and
- 20 (3) Is approved by the United States Food and Drug
21 Administration.

22 "Hospital" includes:



1 (1) An institution with an organized medical staff,
2 regulated under section 321-11(10), that admits
3 patients for inpatient care, diagnosis, observation,
4 and treatment; and

5 (2) A health facility subject to chapter 323F, Hawaii
6 Revised Statutes.

7 "Medical care" means every type of care, treatment,
8 surgery, hospitalization, attendance, service, and supplies as
9 the nature of the injury or condition requires.

10 "Sexual assault" shall have the same meaning as "sexual
11 penetration" as defined in section 707-700.

12 "Sexual assault survivor" means a female who alleges or is
13 alleged to have been sexually assaulted as defined in this part.

14 §321- Emergency contraception. (a) Any hospital that
15 provides medical care to a sexual assault survivor shall:

16 (1) Provide the sexual assault survivor with medically and
17 factually accurate written and oral information about
18 emergency contraception;

19 (2) Orally inform each sexual assault survivor of the
20 option to receive emergency contraception at the
21 hospital;



1 (3) Immediately provide emergency contraception to each
2 sexual assault survivor who requests it, including the
3 initial dose that the sexual assault survivor can take
4 at the hospital, and any further dosage as necessary;
5 and

6 (4) Ensure that each person at the hospital who may
7 provide medical care to a sexual assault survivor is
8 trained in sexual assault treatment and emergency
9 contraception and that the training uses medically and
10 factually accurate written and oral information.

11 (b) The cost of any emergency contraception dispensed
12 pursuant to this part shall be paid by the department using
13 moneys from the domestic violence and sexual assault special
14 fund under section 321-1.3.

15 (c) The department shall adopt rules in accordance with
16 chapter 91.

17 §321- **Enforcement; administrative penalties.** (a) The
18 department may set, charge, and collect administrative fines and
19 recover administrative fees and costs, including attorney's fees
20 and costs, resulting from a violation of this part or any rule
21 adopted under this part.

22 (b) The department shall:



1 (1) Establish a policy and procedure to monitor compliance
2 with this part, including a complaint process; and

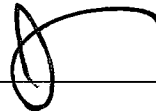
3 (2) Provide written notice to any hospital that the
4 department determines is in violation of this part or
5 any rule adopted under this part, that includes notice
6 of an opportunity to take corrective action.

7 (c) Any hospital that violates this part or any rule
8 adopted under this part after receiving written notice and an
9 opportunity to take corrective action pursuant to subsection
10 (b) (2) shall be fined not more than \$1,000 for each separate
11 offense."

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY: _____



Report Title:

Sexual Assault; Emergency Contraception

Description:

Requires hospitals to provide information about emergency contraception to women who are sexually assaulted and to provide emergency contraception when requested. Authorizes the department of health to establish administrative penalties for noncompliance.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

