

FIRST REGULAR SESSION

SENATE BILL NO. 379

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS COLEMAN, WHEELER, DAYS, GRAHAM, BRAY AND WILSON.

Read 1st time February 17, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1108S.02I

AN ACT

To amend chapter 191, RSMo, by adding thereto two new sections relating to the compassionate assistance for rape emergencies act, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto two new sections, to be known as sections 191.717 and 191.718, to read as follows:

191.717. 1. Sections 191.717 and 191.718 may be cited as the "Compassionate Assistance for Rape Emergencies (CARE) Act".

2. As used in sections 191.717 to 191.718, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Emergency care to sexual assault victims", medical examinations, procedures, or services provided at a hospital to a sexual assault victim following an alleged rape;

(2) "Emergency contraception", any drug or device approved by the Food and Drug Administration that prevents pregnancy after sexual intercourse;

(3) "Medically and factually accurate and objective", verified or supported by the weight of research conducted in compliance with accepted scientific methods and is published in peer-reviewed journals where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and Gynecologists (ACOG), recognize as accurate and objective;

(4) "Sexual assault", as defined in section 566.040, RSMo;

(5) "Sexual assault victim", a female who is alleged to have been

raped and is presented as a patient.

191.718. 1. It shall be the standard of care for any hospital and any health care facility that provides emergency care to sexual assault victims to:

(1) Provide each sexual assault victim with medically and factually accurate and objective written and oral information about emergency contraception;

(2) Orally inform each sexual assault victim of her option to be provided emergency contraception at the hospital; and

(3) Provide the complete regimen of emergency contraception immediately at the hospital or health care facility to each sexual assault victim who requests it.

2. Hospitals and health care facilities shall ensure that each person who provides care to sexual assault victims is provided with medically and factually accurate and objective information about emergency contraception.

3. The department of health and senior services shall develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution to use in any hospital or health care facility in the state in quantities sufficient to comply with the requirements of this section. The director, in collaboration with community sexual assault programs, may also approve informational materials from other sources.

4. The information materials must:

(1) Be medically and factually accurate and objective;

(2) Be clearly written and readily comprehensible in a culturally competent manner, as the department deems necessary to inform victims of sexual assault; and

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

5. The department of health and senior services shall respond to complaints and shall periodically determine whether hospitals and health care facilities are complying with the provisions of this section. The department may use all investigative tools available to verify compliance. If the department determines that a hospital or health care facility is not in compliance, the department shall:

(1) Impose a fine of five thousand dollars per woman who is denied medically and factually accurate and objective information about emergency contraception or who is not offered or provided emergency contraception; and

(2) Impose a fine of five thousand dollars for failure to comply with the provisions of this section and for every thirty days that a hospital or health care facility is not in compliance, an additional fine of five thousand dollars shall be imposed.

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