

SECOND REGULAR SESSION

# SENATE BILL NO. 1010

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 25, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5213S.011

## AN ACT

To amend chapter 191, RSMo, by adding thereto two new sections relating to emergency care for sexual assault victims, 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) "Health care facility", any urgent care center or facility that offers treatment for patients during normal business, after-business, or weekend hours and that is affiliated with a licensed hospital;**

**(4) "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, recognize as accurate and objective;**

**(5) "Sexual assault", as defined in section 566.040;**

22           (6) "Sexual assault victim", a female who is alleged to have been  
23 raped and is presented as a patient.

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

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

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

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

12           (4) Follow the Department of Justice protocols on HIV/STI  
13 screening and prophylactic treatment as referenced in 19 CSR 40-10.010  
14 and the sexual assault forensic exam checklist promulgated by the  
15 department of health and senior services.

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

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

27           4. The information materials shall:

28           (1) Be medically and factually accurate and objective;

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

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

35           5. The department of health and senior services shall respond to

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

41 (1) Impose an administrative penalty of five thousand dollars per  
42 woman who is denied medically and factually accurate and objective  
43 information about emergency contraception or who is not offered or  
44 provided emergency contraception; and

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

49 6. The department shall promulgate rules to implement the  
50 provisions of sections 191.717 to 191.718.

51 7. Any rule or portion of a rule, as that term is defined in section  
52 536.010 that is created under the authority delegated in this section  
53 shall become effective only if it complies with and is subject to all of  
54 the provisions of chapter 536, and, if applicable, section 536.028. This  
55 section and chapter 536 are nonseverable and if any of the powers  
56 vested with the general assembly pursuant to chapter 536, to review, to  
57 delay the effective date, or to disapprove and annul a rule are  
58 subsequently held unconstitutional, then the grant of rulemaking  
59 authority and any rule proposed or adopted after August 28, 2010, shall  
60 be invalid and void.

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