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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 288**      Session of  
2007

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INTRODUCED BY LEACH, BENNINGTON, CASORIO, DePASQUALE, GOODMAN,  
JAMES, JOSEPHS, KIRKLAND, KORTZ, MANDERINO, MANN, MUNDY,  
ROEBUCK, ROSS, R. TAYLOR, RUBLEY, GIBBONS, M. O'BRIEN AND  
FREEMAN, FEBRUARY 7, 2007

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
FEBRUARY 7, 2007

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AN ACT

1 Providing for minimum requirements for hospitals that provide  
2 emergency services to victims of sexual assault and for  
3 powers and duties of the Department of Health.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Sexual  
8 Assault Victim Emergency Treatment Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Department." The Department of Health of the Commonwealth.

14 "Emergency treatment." A medical examination, procedure or  
15 service provided by a hospital to a sexual assault victim  
16 following an alleged sexual assault.

17 "Emergency contraception." A drug or device approved by the

1 Food and Drug Administration to prevent pregnancy when used  
2 separately or in combination within a medically recommended  
3 period of time after sexual intercourse.

4 "Hospital." A facility that has an organized medical staff  
5 and provides equipment and services primarily for inpatient care  
6 to persons who require definitive diagnosis or treatment, or  
7 both, for injury, illness, pregnancy or other disability.

8 "Sexual assault." Any of the offenses specified in 18  
9 Pa.C.S. Ch. 31 Subch. B (relating to definition of offenses).

10 "Sexual assault victim." A female who alleges or is alleged  
11 to have been a victim of a sexual assault.

12 Section 3. Requirements for hospitals.

13 (a) General rule.--A hospital that provides emergency  
14 treatment to a sexual assault victim shall:

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

18 (2) Orally inform each sexual assault victim that the  
19 hospital can provide emergency contraception to her.

20 (3) Provide emergency contraception promptly to each  
21 sexual assault victim who requests it, unless emergency  
22 contraception is medically contraindicated.

23 (b) Written policy.--A hospital that provides emergency  
24 treatment to a sexual assault victim shall develop and implement  
25 a written policy to ensure that all personnel who treat or give  
26 information to a sexual assault victim are trained to provide  
27 medically and factually accurate and objective information about  
28 emergency contraception to sexual assault victims.

29 Section 4. Department responsibilities.

30 (a) General rule.--The department, in collaboration with a

1 Statewide nonprofit organization identified by the Department of  
2 Public Welfare as the prime grantee that arranges for the  
3 provision of services to victims of rape and sexual assault,  
4 shall develop written information that a hospital gives to  
5 sexual assault victims. The information shall:

6 (1) Be clearly written and easily comprehensible.

7 (2) Be in English and any other language deemed  
8 necessary.

9 (3) Explain what emergency contraception is and how it  
10 works, including the different types of emergency  
11 contraception, its effectiveness in preventing pregnancy and  
12 the medical risks associated with it.

13 (b) Distribution of information.--The department shall  
14 produce the written information and shall distribute it to  
15 hospitals in quantities deemed sufficient to comply with this  
16 act.

17 (c) Annual reporting by hospitals.--The department shall  
18 require each hospital to report annually regarding the number of  
19 sexual assault victims treated by that hospital and what that  
20 treatment entailed, including the number of sexual assault  
21 victims to whom emergency contraception was given.

22 (d) Department report to General Assembly.--The department  
23 shall include the information described in subsection (c) in its  
24 annual report to the General Assembly pursuant to section 804(d)  
25 of the act of July 19, 1979 (P.L.130, No.48), known as the  
26 Health Care Facilities Act.

27 Section 5. Violations.

28 A violation of this act shall constitute a violation of the  
29 act of July 19, 1979 (P.L.130, No.48), known as the Health Care  
30 Facilities Act, and shall be resolved pursuant to Chapter 8 of

1 that act.

2 Section 6. Regulations.

3 The department shall promulgate any regulations necessary to  
4 implement this act within two years of the effective date of  
5 this section. In order to facilitate the prompt implementation  
6 of this act, the department may promulgate temporary regulations  
7 that expire no later than two years from the effective date of  
8 this section. The temporary regulations shall not be subject to:

9 (1) Sections 201 through 205 of the act of July 31, 1968  
10 (P.L.769, No.240), referred to as the Commonwealth Documents  
11 Law.

12 (2) The act of June 25, 1982 (P.L.633, No.181), known as  
13 the Regulatory Review Act.

14 Section 7. Effective date.

15 This act shall take effect in 90 days.