
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2159 Session of
2005

INTRODUCED BY DeWEESE, GERBER, SHAPIRO, ROSS, BEBKO-JONES,
BELFANTI, BISHOP, BLACKWELL, BUNT, BUXTON, CALTAGIRONE,
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STETLER, STURLA, J. TAYLOR, THOMAS, VITALI, WALKO, WHEATLEY,
CASORIO, CORRIGAN, EACHUS AND GOODMAN, NOVEMBER 14, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
NOVEMBER 14, 2005

AN ACT

1 Providing for requirements for hospitals and health care
2 facilities that provide services to sexual assault victims,
3 for provision of information and services relating to
4 emergency contraception and for powers and duties of the
5 Department of Health.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Compassionate
10 Assistance for Rape Emergencies (CARE) Act.

11 Section 2. Definitions.

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

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

1 "Emergency contraception." Any drug or device approved by
2 the Food and Drug Administration that is used after intercourse
3 to inhibit or prevent ovulation, fertilization or the
4 implantation of a fertilized ovum within the uterus.

5 "Emergency services." Medical examinations, forensic
6 examinations, procedures and services provided by a hospital or
7 health care facility to a sexual assault victim.

8 "Health care facility." Any public or private clinic,
9 center, medical training institution, medical facility,
10 infirmary, dispensary or other institution or location wherein
11 emergency medical care is provided to any person.

12 "Hospital." An institution licensed as a hospital by the
13 Department of Health in accordance with Chapter 8 of the act of
14 July 19, 1979 (P.L.130, No.48), known as the Health Care
15 Facilities Act.

16 "Rape crisis center." An office, institution or center that
17 has contracted with a Statewide nonprofit organization
18 identified by the Department of Public Welfare as the prime
19 grantee that arranges for the provision of services to sexual
20 violence and rape victims and offers assistance to victims of
21 sexual assault and their families through crisis intervention,
22 medical and legal accompaniment and follow-up counseling.

23 "Sexual assault." Any offense specified in 18 Pa.C.S. Ch. 31
24 Subch. B (relating to definition of offenses).

25 "Sexual assault counselor." A person who is engaged or
26 employed by an office or center contracted with a Statewide
27 nonprofit organization identified by the Department of Public
28 Welfare as the prime grantee that arranges for the provision of
29 services to sexual violence and rape victims, who has undergone
30 40 hours of sexual assault training and is under the control of

1 a direct services supervisor of a rape crisis center, whose
2 primary purpose is the rendering of advice, counseling or
3 assistance to victims of sexual assault.

4 "Sexual assault victim" or "victim." A female who has been
5 sexually assaulted and presents or is transported to a health
6 care professional, hospital or other health care facility.

7 Section 3. Duty of hospitals and health care facilities.

8 A hospital or health care facility that provides emergency
9 services to sexual assault victims shall, upon a victim's
10 presenting to the hospital or health care facility, promptly:

11 (1) Provide the victim with medically accurate written
12 informational materials regarding emergency contraception
13 prepared or approved under section 4.

14 (2) Orally inform the victim of the availability of
15 emergency contraception, its use and efficacy.

16 (3) Offer the complete regimen of emergency
17 contraception to the victim and provide the regimen onsite
18 upon her request.

19 (4) Inform the victim of the availability of a sexual
20 assault counselor, provide the sexual assault victim with the
21 telephone number of the local rape crisis center and contact
22 the local rape crisis center at the request of the victim.

23 (5) Afford the victim an opportunity to consult with the
24 rape crisis counselor in person and in private while at the
25 hospital or health care facility.

26 Section 4. Informational materials regarding emergency
27 contraception.

28 (a) Care providers.--A hospital or health care facility that
29 provides emergency care to sexual assault victims shall ensure
30 that a person who provides care to sexual assault victims is

1 furnished with medically accurate written informational
2 materials about emergency contraception developed under
3 subsection (b).

4 (b) Development.--The department in collaboration with a
5 Statewide nonprofit organization identified by the Department of
6 Public Welfare as the prime grantee that arranges for the
7 provision of services to sexual violence and rape victims shall
8 develop medically and factually accurate and objective written
9 informational materials relating to emergency contraception for
10 distribution to and use in hospitals and health care facilities
11 in this Commonwealth, in quantities sufficient to comply with
12 the requirements of this act.

13 (c) Requirements.--The department shall prepare, produce and
14 distribute to the hospitals and health care facilities at no
15 cost to the hospitals and health care facilities the written
16 informational materials. The informational material shall:

17 (1) Be in clear and concise language, readily
18 comprehensible, in such varieties and forms as the department
19 shall deem necessary to inform victims in English and
20 languages other than English.

21 (2) Explain the nature of emergency contraception,
22 including its use and efficacy.

23 (3) Be circulated by the department to hospitals and
24 health care facilities in this Commonwealth in quantities
25 sufficient to comply with the requirements of this act.

26 Section 5. Rules and regulations.

27 The department shall promulgate rules and regulations as may
28 be necessary and proper to implement the provisions of this act
29 no later than two years from the effective date of this act.

30 Section 6. Effective date.

1 This act shall take effect in 60 days.