

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 990 Session of  
2005

INTRODUCED BY CONTI, C. WILLIAMS, BROWNE, EARLL, TARTAGLIONE,  
BOSCOLA, MUSTO, KITCHEN, LEMMOND, LAVALLE, FERLO, WASHINGTON,  
FONTANA AND HUGHES, NOVEMBER 15, 2005

SENATOR CORMAN, PUBLIC HEALTH AND WELFARE, AS AMENDED,  
OCTOBER 3, 2006

## 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.

16 "Emergency contraception." Any drug or device approved by  
17 the Food and Drug Administration INCLUDING PLAN B, that is used <—  
18 after intercourse to inhibit or prevent ovulation, ~~fertilization~~ <—

1 ~~or the or fertilization implantation of a fertilized ovum within~~  
2 ~~the uterus.~~ OR FERTILIZATION. <—

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

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

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

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

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

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

1 assistance to victims of sexual assault.

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

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

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

9 (1) Provide the victim with medically accurate written  
10 informational materials regarding emergency contraception  
11 ~~prepared or approved under section 4.~~ <—

12 (2) Orally inform the victim of the availability of  
13 emergency contraception, its use ~~and efficacy~~, EFFICACY AND <—  
14 RISKS IDENTIFIED BY THE FOOD AND DRUG ADMINISTRATION OR THE  
15 PHARMACEUTICAL MANUFACTURER.

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~~ SEXUAL ASSAULT counselor in person and in private <—  
25 while at the 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 AS <—  
15 REQUESTED AND at no cost to the hospitals and health care  
16 facilities the written informational materials. The  
17 informational material shall:

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

22 (2) Explain the nature of emergency contraception,  
23 including its use ~~and efficacy~~, EFFICACY AND RISKS IDENTIFIED <—  
24 BY THE FOOD AND DRUG ADMINISTRATION OR THE PHARMACEUTICAL  
25 MANUFACTURER.

26 (3) Be circulated by the department to hospitals and  
27 health care facilities in this Commonwealth UPON REQUEST in <—  
28 quantities sufficient to comply with the requirements of this  
29 act.

30 (D) OPTIONAL MATERIALS.--A HOSPITAL OR HEALTH CARE FACILITY <—

1 USING WRITTEN INFORMATIONAL MATERIALS OTHER THAN THOSE PREPARED  
2 BY THE DEPARTMENT IN ORDER TO SATISFY THE REQUIREMENTS OF  
3 SECTION 3(1) SHALL HAVE THOSE WRITTEN MATERIALS REVIEWED BY THE  
4 DEPARTMENT PRIOR TO DISTRIBUTION. THE DEPARTMENT SHALL NOT  
5 REIMBURSE A HOSPITAL OR HEALTH CARE FACILITY FOR THE COST OF THE  
6 WRITTEN MATERIALS IF THE HOSPITAL OR HEALTH CARE FACILITY  
7 PREPARES AND PRODUCES THE OPTIONAL MATERIALS.

8 Section 5. Rules and regulations.

9 The department shall promulgate rules and regulations NOT <—  
10 INCONSISTENT WITH SECTION 7 as may be necessary and proper to  
11 implement the provisions of this act no later than two years  
12 from the effective date of this act.

13 SECTION 6. ENFORCEMENT. <—

14 THE DEPARTMENT SHALL ENFORCE COMPLIANCE WITH THIS ACT  
15 PURSUANT TO SECTIONS 811 AND 814 OF THE ACT OF JULY 19, 1979  
16 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE FACILITIES ACT.

17 SECTION 7. RELIGIOUS FACILITIES EXCEPTION.

18 NOTHING IN THIS ACT REQUIRES OR SHALL BE CONSTRUED TO REQUIRE  
19 A RELIGIOUSLY AFFILIATED HEALTH CARE FACILITY TO PROVIDE,  
20 PARTICIPATE IN PROVIDING OR REFER OR TRANSPORT A VICTIM FOR  
21 EMERGENCY CONTRACEPTION IF SUCH ACTIVITY WOULD BE CONTRARY TO  
22 THE STATED RELIGIOUS BELIEFS, PRACTICES OR POLICIES OF THE  
23 FACILITY SO LONG AS THE FACILITY PROVIDES NOTICE TO A VICTIM OF  
24 ITS POLICIES REGARDING EMERGENCY CONTRACEPTION AND COMPLIES WITH  
25 SECTION 3(1), (2), (4) AND (5). THE NOTICE MUST BE POSTED  
26 CONSPICUOUSLY IN THE EMERGENCY ROOM OR WAITING AREA OF THE  
27 FACILITY.

28 Section 6 20. Effective date. <—

29 This act shall take effect in 60 days.