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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1575** Session of  
2007

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INTRODUCED BY REICHLEY, CASORIO, CURRY, JAMES, KORTZ,  
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RUBLEY, SONNEY AND WATSON, JUNE 20, 2007

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
JUNE 20, 2007

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AN ACT

1 Entitling victims of sexual assault who receive treatment at  
2 hospitals and health care facilities that provide services to  
3 sexual assault victims to the provision of information and  
4 services relating to sexual assault; and further providing  
5 for powers and duties of the Department of Health.

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

8 Section 1. Provision by hospitals and health care facilities  
9 for offering sexual assault services to sexual  
10 assault victims.

11 (a) Initial actions.--Every hospital or health care facility  
12 that provides emergency services to sexual assault victims  
13 shall, immediately upon identifying a patient as a victim of  
14 sexual assault:

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

17 (2) Provide the victim with written informational  
18 materials regarding emergency contraception prepared or

1 approved pursuant to subsection (b).

2 (3) Offer the complete regimen of emergency  
3 contraception to such victim and provide the regimen upon the  
4 victim's request.

5 (4) Inform the victim of the availability of a rape  
6 crisis counselor for the purpose of obtaining information  
7 regarding the physical, mental and emotional reactions which  
8 are common to victims of sexual assault and contact the local  
9 rape crisis center at the request of the victim.

10 (5) Provide the victim with the opportunity to meet with  
11 a local rape crisis counselor in person and in private while  
12 at the hospital or health care facility.

13 (b) Training health care providers regarding emergency  
14 contraception.--

15 (1) A hospital and health care facility providing  
16 emergency care to sexual assault victims shall ensure that a  
17 person who provides care to sexual assault victims is  
18 provided with written informational materials about emergency  
19 contraception developed under paragraph (2).

20 (2) The department in collaboration with a Statewide  
21 nonprofit organization identified by the Department of Public  
22 Welfare as the prime grantee that arranges for the provision  
23 of services to sexual violence and rape victims shall develop  
24 medically and factually accurate and objective written  
25 informational materials relating to emergency contraception  
26 for distribution to and use in hospitals and health care  
27 facilities in this Commonwealth, in quantities sufficient to  
28 comply with the requirements of this section.

29 (3) The department shall prepare, produce and distribute  
30 to the hospitals and health care facilities at no cost to the

1 hospitals and health care facilities the aforementioned  
2 written informational materials. The informational material  
3 shall:

4 (i) Be in clear and concise language, readily  
5 comprehensible, in such varieties and forms as the  
6 department shall deem necessary to inform victims in  
7 English and languages other than English.

8 (ii) Explain the nature of emergency contraception,  
9 including its use and efficacy.

10 (iii) Be circulated by the department to  
11 Pennsylvania hospitals and health care facilities in  
12 quantities sufficient to comply with the requirements of  
13 this section.

14 (c) Religious freedom protection.--Nothing in this section  
15 shall be construed to require a religiously affiliated health  
16 care facility or hospital to provide, allow, participate in or  
17 refer a patient to health care services which are contrary to  
18 the religious beliefs or practices of the facility or hospital,  
19 provided that the facility or hospital shall, at the time of  
20 treatment of a sexual assault victim, provide written notice to  
21 the victim of its policies regarding the provision of emergency  
22 contraceptives to sexual assault victims and that the  
23 religiously affiliated health care facility or hospital  
24 providing emergency services in compliance with this section has  
25 tested the victim and found the victim to meet the definition of  
26 being pregnant as defined under 18 Pa.C.S. § 3203 (relating to  
27 definitions).

28 (d) Rules and regulations.--Not later than two years after  
29 the effective date of this act, the department shall promulgate  
30 rules and regulations as may be necessary to carry out the

1 provisions of this section.

2 (e) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection:

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

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

10 "Emergency services." Medical examinations, forensic  
11 examinations, procedures and services provided by a hospital or  
12 health care facility to a sexual assault victim.

13 "Rape crisis center." An organization that has contracted  
14 with a Statewide nonprofit organization identified by the  
15 Department of Public Welfare as the prime grantee that arranges  
16 for the provision of services to sexual assault and rape victims  
17 and has a primary purpose or mission to provide services to  
18 victims of sexual assault.

19 "Rape crisis counselor." A person who is engaged or employed  
20 by an office or center contracted with a Statewide nonprofit  
21 organization identified by the Department of Public Welfare as  
22 the prime grantee that arranges for the provision of services to  
23 sexual assault and rape victims and which has as a primary  
24 purpose or mission to provide services to victims of sexual  
25 assault.

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

28 "Sexual assault victim" or "victim." A person who has been  
29 sexually assaulted and presents or is transported to a health  
30 care professional, hospital or other health care facility.

1 Section 2. Effective date.

2 This act shall take effect in 60 days.