
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
AND FONTANA, NOVEMBER 15, 2005

REFERRED TO PUBLIC HEALTH AND WELFARE, NOVEMBER 15, 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.

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

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

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

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

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

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

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

30 "Sexual assault victim" or "victim." A female who has been

1 sexually assaulted and presents or is transported to a health
2 care professional, hospital or other health care facility.

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

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

7 (1) Provide the victim with medically accurate written
8 informational materials regarding emergency contraception
9 prepared or approved under section 4.

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

12 (3) Offer the complete regimen of emergency
13 contraception to the victim and provide the regimen onsite
14 upon her request.

15 (4) Inform the victim of the availability of a sexual
16 assault counselor, provide the sexual assault victim with the
17 telephone number of the local rape crisis center and contact
18 the local rape crisis center at the request of the victim.

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

22 Section 4. Informational materials regarding emergency
23 contraception.

24 (a) Care providers.--A hospital or health care facility that
25 provides emergency care to sexual assault victims shall ensure
26 that a person who provides care to sexual assault victims is
27 furnished with medically accurate written informational
28 materials about emergency contraception developed under
29 subsection (b).

30 (b) Development.--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 sexual violence and rape victims shall
4 develop medically and factually accurate and objective written
5 informational materials relating to emergency contraception for
6 distribution to and use in hospitals and health care facilities
7 in this Commonwealth, in quantities sufficient to comply with
8 the requirements of this act.

9 (c) Requirements.--The department shall prepare, produce and
10 distribute to the hospitals and health care facilities at no
11 cost to the hospitals and health care facilities the written
12 informational materials. The informational material shall:

13 (1) Be in clear and concise language, readily
14 comprehensible, in such varieties and forms as the department
15 shall deem necessary to inform victims in English and
16 languages other than English.

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

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

22 Section 5. Rules and regulations.

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

26 Section 6. Effective date.

27 This act shall take effect in 60 days.