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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 542 Session of  
2015

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INTRODUCED BY LEACH, TEPLITZ, FARNESE, HAYWOOD AND TARTAGLIONE,  
FEBRUARY 25, 2015

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REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 25, 2015

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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 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 or  
19 fertilization.

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." A public or private clinic, center,  
5 medical training institution, medical facility, infirmary,  
6 dispensary or other institution or location wherein emergency  
7 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 Human Services 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 Human  
24 Services 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 alleges or

1 is alleged to have been a victim of sexual assault.

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

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

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

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

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

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

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

21 Section 4. Informational materials regarding emergency  
22 contraception.

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

29 (b) Development.--The department in collaboration with a  
30 Statewide nonprofit organization identified by the Department of

1 Human Services as the prime grantee that arranges for the  
2 provision of services to sexual violence and rape victims shall  
3 develop medically and factually accurate and objective written  
4 informational materials relating to emergency contraception for  
5 distribution to and use in hospitals and health care facilities  
6 in this Commonwealth, in quantities sufficient to comply with  
7 the requirements of this act.

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

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

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

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

21 Section 5. Rules and regulations.

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

26 Section 6. Effective date.

27 This act shall take effect in 60 days.