

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3320

By: Lindley

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6 AS INTRODUCED

7 An Act relating to public health and safety; stating
8 legislative findings; creating the Compassionate
9 Assistance for Rape Emergencies (CARE) Act; defining
10 terms; directing the State Department of Health and
11 specific persons to develop certain informational
12 materials; directing the Department to distribute
13 informational materials to hospitals and health care
14 facilities that provide medical care to rape victims;
15 specifying requirements for the informational
16 materials; specifying standard of care requirements
17 for hospitals and health care facilities; directing
18 the Department to investigate certain complaints;
19 directing the Department to monitor compliance;
20 providing penalties for noncompliance; providing for
21 codification; providing for noncodification; and
22 providing an effective date.

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25 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

26 SECTION 1. NEW LAW A new section of law not to be
27 codified in the Oklahoma Statutes reads as follows:

28 The Legislature finds that:

29 1. Each year, over 600,000 women are raped in the United
30 States;

1 2. In Oklahoma, the number of reported rapes has risen twenty
2 percent (20%) in the last five (5) years. Nearly 1,600 rapes and
3 attempted rapes are reported each year;

4 3. After a woman is raped, she may face or anxiously fear the
5 additional trauma of an unwanted pregnancy;

6 4. Each year, approximately 25,000 women in the United States
7 become pregnant as a result of rape. An estimated 22,000 of these
8 pregnancies, or eighty-eight percent (88%), could be prevented if
9 sexual assault victims had timely access to emergency contraception;

10 5. Emergency contraception is a safe, responsible, and
11 effective back-up method of birth control that prevents pregnancy
12 after sexual intercourse;

13 6. Medical research indicates the sooner emergency
14 contraception is administered, the better the chance of preventing
15 unintended pregnancy;

16 7. Emergency contraception does not cause abortion and does not
17 work if a woman is already pregnant;

18 8. Emergency contraception is an integral part of comprehensive
19 and compassionate emergency care for sexual assault victims;

20 9. The American College of Emergency Physicians (ACEP) and the
21 American College of Obstetricians and Gynecologists (ACOG) agree
22 that emergency contraception should be offered to all victims of
23 sexual assault if they are at risk of pregnancy;

1 10. A nationwide study found that fewer than half of all sexual
2 assault victims eligible for emergency contraception actually
3 received the treatment during a visit to a hospital emergency
4 department;

5 11. Most women do not know about emergency contraception.
6 Nearly three-quarters of women surveyed have not heard of emergency
7 contraception pills, the most commonly used form of emergency
8 contraception, and only two percent (2%) of women have ever used
9 them. Thus, women who have been raped are unlikely to ask for
10 emergency contraception; and

11 12. It is essential for all hospitals and other health care
12 facilities which provide medical care to rape victims to offer
13 emergency contraception as a treatment option to any woman who seeks
14 medical care as a result of an alleged rape.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2080.1 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

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

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2080.2 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 As used in the Compassionate Assistance for Rape Emergencies
24 (CARE) Act:

1 1. "Emergency contraception" means any drug or device approved
2 by the Food and Drug Administration that prevents pregnancy after
3 sex;

4 2. "Emergency care to rape victims" means medical examinations,
5 procedures, or services provided at a hospital or other health care
6 facility to a rape victim following an alleged rape;

7 3. "Rape" shall have the same meaning as defined in Sections
8 1111, 1111.1, and 1114 of Title 21 of the Oklahoma Statutes; and

9 4. "Medically and factually accurate and objective" means
10 verified or supported by the weight of research conducted in
11 compliance with accepted scientific methods and:

12 a. published in peer-reviewed journals where applicable,
13 or

14 b. comprising information that leading professional
15 organizations and agencies with relevant expertise in
16 the field, such as the American College of
17 Obstetricians and Gynecologists (ACOG), recognize as
18 accurate and objective.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2080.3 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A. The State Department of Health or a contracted designee, in
23 collaboration with community sexual assault programs and other
24 relevant persons, shall produce informational materials relating to

1 emergency contraception for the prevention of pregnancy. These
2 informational materials shall be distributed to and used in all
3 hospitals and other health care facilities in the state that provide
4 medical care to rape victims.

5 B. The informational materials shall:

6 1. Be medically and factually accurate and objective;

7 2. Be clearly written and readily comprehensible in a
8 culturally competent manner, as the Department, in collaboration
9 with community sexual assault programs and other relevant persons,
10 deems necessary to inform victims of rape; and

11 3. Explain the nature of emergency contraception, including its
12 use, safety, efficacy, and availability, and that it does not cause
13 abortion.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2080.4 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. It shall be the standard of care for hospitals and other
18 health care facilities which provide medical care to rape victims
19 to:

20 1. Provide each rape victim with medically and factually
21 accurate and objective written and oral information about emergency
22 contraception, prepared pursuant to subsection B of this section;

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1 2. Orally inform each rape victim of her option to be provided
2 emergency contraception at the hospital or other health care
3 facility; and

4 3. Provide the complete regimen of emergency contraception
5 immediately at the hospital or other health care facility to each
6 rape victim who requests it.

7 B. Each hospital or other health care facility which provides
8 medical care to rape victims shall ensure that each person who
9 provides care to rape victims is provided with medically and
10 factually accurate and objective information about emergency
11 contraception.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2080.5 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The State Department of Health shall investigate complaints
16 of noncompliance with the Compassionate Assistance for Rape
17 Emergencies (CARE) Act, and shall periodically visit hospitals or
18 other health care facilities that provide medical care to rape
19 victims to monitor compliance.

20 B. If the Department determines that a hospital or other health
21 care facility is not in compliance with this act, the Department
22 shall impose an administrative fine of Five Thousand Dollars
23 (\$5,000.00) for each incidence of noncompliance.

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1 C. For every thirty (30) days that a hospital or other health
2 care facility is not in compliance with this act, the Department
3 shall impose an additional fine of Five Thousand Dollars
4 (\$5,000.00).

5 SECTION 7. This act shall become effective November 1, 2008.

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