

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 477

By: Adelson

4  
5  
6 AS INTRODUCED

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

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

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

The Legislature finds that:

- 21 1. Each year, over 600,000 women are raped in the United States;
- 22 2. In Oklahoma, the number of reported rapes has risen twenty  
23 percent (20%) in the last five (5) years. Nearly 1,600 rapes and  
24 attempted rapes are reported each year;

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

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

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

10          6. Medical research indicates the sooner emergency contraception  
11 is administered, the better the chance of preventing unintended  
12 pregnancy;

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

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

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

21          10. A nationwide study found that fewer than half of all sexual  
22 assault victims eligible for emergency contraception actually  
23 received the treatment during a visit to a hospital emergency  
24 department;

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

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

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

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

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

19 As used in the Compassionate Assistance for Rape Emergencies  
20 (CARE) Act:

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

24

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

4           3. "Rape" shall have the same meaning as defined in Sections  
5 1111, 1111.1, and 1114 of Title 21 of the Oklahoma Statutes; and

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

9           a. published in peer-reviewed journals where applicable,  
10 or

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

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

19           A. The State Department of Health or a contracted designee, in  
20 collaboration with community sexual assault programs and other  
21 relevant persons, shall produce informational materials relating to  
22 emergency contraception for the prevention of pregnancy. These  
23 informational materials shall be distributed to and used in all  
24

1 hospitals and other health care facilities in the state that provide  
2 medical care to rape victims.

3 B. The informational materials shall:

4 1. Be medically and factually accurate and objective;

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

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

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

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

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

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

23 3. Provide the complete regimen of emergency contraception  
24 immediately at the hospital or at another health care facility if the

1 hospital is subject to moral prohibition against the provision of  
2 birth control.

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

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

11 A. The State Department of Health shall investigate complaints  
12 of noncompliance with the Compassionate Assistance for Rape  
13 Emergencies (CARE) Act, and shall periodically provide medical care  
14 to rape victims to monitor compliance.

15 B. If the Department determines that a hospital or other health  
16 care facility is not in compliance with this act, the Department  
17 shall impose an administrative fine up to Five Thousand Dollars  
18 (\$5,000.00) for each incidence of noncompliance.

19 SECTION 7. This act shall become effective November 1, 2009.  
20

21 52-1-1389 JM 3/6/2009 4:48:17 AM  
22  
23  
24