

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 491

By: Johnson (Constance)

4
5
6 AS INTRODUCED

7 An Act relating to emergency contraception for rape
8 victims; creating the Compassionate Assistance for
9 Rape Emergencies (CARE) Act; providing short title;
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
18 facilities; directing the Department to investigate
19 certain complaints; directing the Department to
20 monitor compliance; providing penalties for
21 noncompliance; authorizing the State Board of Health
22 to promulgate certain rules; providing for
23 codification; and providing an effective date.
24

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2080 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Compassionate
23 Assistance for Rape Emergencies (CARE) Act".
24

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

4 As used in the Compassionate Assistance for Rape Emergencies
5 (CARE) Act:

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

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

12 3. "Rape" shall have the same meaning as defined in Sections
13 1111, 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

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

17 a. published in peer-reviewed journals where applicable,

18 or

19 b. comprising information that leading professional
20 organizations and agencies with relevant expertise in
21 the field, such as the American College of
22 Obstetricians and Gynecologists (ACOG), recognize as
23 accurate and objective.

24

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

4 A. The State Department of Health or a contracted designee, in
5 collaboration with community sexual assault programs and other
6 relevant persons, shall produce informational materials relating to
7 emergency contraception for the prevention of pregnancy. These
8 informational materials shall be distributed to and used in all
9 hospitals and other health care facilities in the state that provide
10 medical care to rape victims.

11 B. The informational materials shall:

12 1. Be medically and factually accurate and objective;

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

17 3. Explain the nature of emergency contraception, including its
18 use, safety, efficacy, and availability, and that it does not cause
19 abortion.

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

23

24

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

4 1. Provide each rape victim with medically and factually
5 accurate and objective written and oral information about emergency
6 contraception, prepared pursuant to Section 3 of this act;

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

10 3. Provide the complete regimen of emergency contraception
11 immediately at the hospital or at another health care facility if
12 the hospital is subject to moral prohibition against the provision
13 of birth control.

14 B. Each hospital or other health care facility which provides
15 medical care to rape victims shall ensure that each person who
16 provides medical care to rape victims is provided with medically and
17 factually accurate and objective information about emergency
18 contraception.

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

22 A. The State Department of Health shall investigate complaints
23 of noncompliance with the Compassionate Assistance for Rape
24

1 Emergencies (CARE) Act, and shall periodically provide medical care
2 to rape victims to monitor compliance.

3 B. If the Department determines that a hospital or other health
4 care facility is not in compliance with this act, the Department
5 shall impose an administrative fine up to Five Thousand Dollars
6 (\$5,000.00) for each incidence of noncompliance.

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

10 The State Board of Health is authorized to promulgate rules as
11 necessary to implement the provisions of this act.

12 SECTION 7. This act shall become effective November 1, 2011.

13
14 53-1-1151 JM 1/19/2011 9:21:22 AM

15
16
17
18
19
20
21
22
23
24