AN ACT concerning health and healthcare; relating to sexual assault survivors; requiring certain entities to provide information to sexual assault survivors.

WHEREAS, According to the United States centers for disease control, nearly one in five American women are raped at some point in their lives, or nearly two million each year; and

WHEREAS, Adding to the trauma of a rape, about 5% of sexual assault survivors become pregnant as a result of the attack; and

WHEREAS, Nearly 90% of these pregnancies could have prevented if sexual assault survivors had timely access to emergency contraception; and

WHEREAS, Emergency contraception is approved for use by the United States food and drug administration and prevents pregnancy after sexual intercourse, and emergency contraceptives available in the United States and approved by the United States food and drug administration have no effect on an existing pregnancy; and

WHEREAS, Although standards of emergency care established by the American medical association require that sexual assault survivors be counseled about their risk of pregnancy and offered emergency contraception, many hospitals fail to provide emergency contraception to sexual assault survivors; and

WHEREAS, The United States department of justice recommends that sexual assault survivors be given both information about emergency contraception and the contraception itself, if requested; and

WHEREAS, Police agencies and colleges and universities receive thousands of reports of sexual assault each year, but they often do not counsel survivors about the availability of emergency contraception.

Now, therefore:

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This section shall be known and may be cited as the rape survivor information act.

(b) As used in this section:

(1) "Colleges and universities" means any institution of higher education that is covered by federal title IX, 20 U.S.C. §§ 1681 through 1688.
(2) "Department" means the department of health and environment.
(3) "Emergency contraception" means any drug or device approved by the United States food and drug administration that prevents pregnancy after sexual intercourse.
(4) "Healthcare facility" means a hospital, emergency care facility, health clinic or other healthcare center that provides emergency care to sexual assault survivors.
(5) "Law enforcement authority" means any law enforcement agency of the state, or any political subdivision thereof, that receives reports of sexual assault.
(6) "Sexual assault survivor" means any person who alleges or is alleged to have been the victim of a sexual assault where there is a possibility that the assault may result in pregnancy.

c (1) The department shall develop, produce and distribute informational materials about emergency contraception and abortion services that are specifically designed for sexual assault survivors, presented in a factually accurate and unbiased manner. The department shall develop protocols that use such informational materials and describe how healthcare facilities, law enforcement authorities and colleges and universities should provide such information to sexual assault survivors.
(2) In a situation where a sexual assault was recent enough that emergency contraception may be effective, the department's protocols for law enforcement authorities and colleges and universities shall include a requirement to provide information to the sexual assault survivor about the safety, effectiveness and availability of emergency contraception.
(3) In a situation where a sexual assault was recent enough that emergency contraception may be effective, the department's protocols for healthcare facilities shall require healthcare facilities to:
(A) Provide the sexual assault survivor with objective and factually accurate written and oral information about the full range of medical options, including the safety, effectiveness and availability of emergency contraception and the fact that emergency contraception does not cause abortion;
(B) orally inform the sexual assault survivor of the option to receive emergency contraception at the healthcare facility;
(C) promptly provide to the sexual assault survivor emergency contraception upon request; and
(D) ensure that all personnel who provide care to sexual assault survivors are trained to provide medically and factually accurate and objective information about emergency contraception.
(d) (1) Healthcare facilities, law enforcement authorities and colleges and universities shall follow the department's protocols for assisting sexual assault survivors, including the use of the department's informational
materials described in subsection (c).

(2) Healthcare facilities, law enforcement authorities and colleges and universities shall ensure that each person who takes reports from, or provides care to, sexual assault survivors has been trained to implement the department's protocols.

(e) The department, the attorney general and the state board of regents shall adopt rules and regulations as necessary to implement and administer this section.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.