

HOUSE BILL No. 2664

By Representative Parker

2-12

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

4
5 WHEREAS, According to the United States centers for disease control,
6 nearly one in five American women are raped at some point in their lives,
7 or nearly two million each year; and

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

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

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

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

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

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

29 Now, therefore:

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

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

33 (b) As used in this section:

34 (1) "Colleges and universities" means any institution of higher
35 education that is covered by federal title IX, 20 U.S.C. §§ 1681 through
36 1688.

1 (2) "Department" means the department of health and environment.

2 (3) "Emergency contraception" means any drug or device approved
3 by the United States food and drug administration that prevents pregnancy
4 after sexual intercourse.

5 (4) "Healthcare facility" means a hospital, emergency care facility,
6 health clinic or other healthcare center that provides emergency care to
7 sexual assault survivors.

8 (5) "Law enforcement authority" means any law enforcement agency
9 of the state, or any political subdivision thereof, that receives reports of
10 sexual assault.

11 (6) "Sexual assault survivor" means any person who alleges or is
12 alleged to have been the victim of a sexual assault where there is a
13 possibility that the assault may result in pregnancy.

14 (c) (1) The department shall develop, produce and distribute
15 informational materials about emergency contraception and abortion
16 services that are specifically designed for sexual assault survivors,
17 presented in a factually accurate and unbiased manner. The department
18 shall develop protocols that use such informational materials and describe
19 how healthcare facilities, law enforcement authorities and colleges and
20 universities should provide such information to sexual assault survivors.

21 (2) In a situation where a sexual assault was recent enough that
22 emergency contraception may be effective, the department's protocols for
23 law enforcement authorities and colleges and universities shall include a
24 requirement to provide information to the sexual assault survivor about the
25 safety, effectiveness and availability of emergency contraception.

26 (3) In a situation where a sexual assault was recent enough that
27 emergency contraception may be effective, the department's protocols for
28 healthcare facilities shall require healthcare facilities to:

29 (A) Provide the sexual assault survivor with objective and factually
30 accurate written and oral information about the full range of medical
31 options, including the safety, effectiveness and availability of emergency
32 contraception and the fact that emergency contraception does not cause
33 abortion;

34 (B) orally inform the sexual assault survivor of the option to receive
35 emergency contraception at the healthcare facility;

36 (C) promptly provide to the sexual assault survivor emergency
37 contraception upon request; and

38 (D) ensure that all personnel who provide care to sexual assault
39 survivors are trained to provide medically and factually accurate and
40 objective information about emergency contraception.

41 (d) (1) Healthcare facilities, law enforcement authorities and colleges
42 and universities shall follow the department's protocols for assisting sexual
43 assault survivors, including the use of the department's informational

1 materials described in subsection (c).

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

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

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