

SENATE BILL No. 91

By Committee on Public Health and Welfare

2-3

1 AN ACT concerning victims of sexual assault; relating to emergency
2 contraception information.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. As used in sections 1 through 2:

6 (a) (1) "Emergency contraception" means a drug approved by the
7 federal Food and Drug Administration that prevents pregnancy after
8 sexual relations, including, without limitation, oral contraceptive pills.

9 (2) "Emergency contraception" does not include RU-486,
10 mifepristone, or any other drug or device that induces a medical abortion;

11 (b) "Sexual assault survivor" means a female who alleges or is
12 alleged to have been the victim of a sexual offense as defined in K.S.A.
13 21-3502 (rape), 21-3503 (indecent liberties with a child), 21-3504
14 (aggravated indecent liberties with a child), 21-3602 (incest), or 21-3603
15 (aggravated incest), and amendments thereto, and who presents as a
16 patient for treatment with regard to the sexual offense.

17 Sec. 2. (a) All medical care facilities that are licensed in this state
18 and provide emergency care to sexual assault survivors shall amend their
19 evidence-collection protocols for the treatment of sexual assault survivors
20 to include informing the survivor in a timely manner of the availability of
21 emergency contraception as a means of pregnancy prophylaxis and
22 educating the sexual assault survivor on the proper use of emergency
23 contraception and the appropriate follow-up care.

24 (b) This section does not require a medical care facility to provide
25 emergency contraception to a sexual assault survivor who is not at risk of
26 becoming pregnant as a result of the sexual assault or who is already
27 pregnant at the time of the sexual assault.

28 (c) Each medical care facility shall provide training to emergency
29 room staff concerning the efficacy of emergency contraception and the
30 time-sensitive nature of the drug.

31 (d)(1) Because emergency contraception is time-sensitive and a
32 sexual assault survivor may seek information on or direct access to
33 emergency contraception to prevent an unintended pregnancy resulting
34 from the assault instead of or before seeking hospital treatment, it is
35 critical that a sexual assault survivor has accurate information about the
36 availability and use of emergency contraception.

1 (2) Therefore:

2 (A) An entity offering victim assistance or counseling and rape
3 crisis hotlines are encouraged to include information concerning the
4 availability and use of emergency contraception; and

5 (B) a licensed pharmacy in the state of Kansas is encouraged to
6 distribute information concerning the availability and use of emergency
7 contraception.

8 Sec. 3. Sections 1 and 2 shall be part of and supplemental to article 4
9 of chapter 65 of the Kansas Statutes Annotated.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.