

HOUSE BILL No. 2255

By Committee on Health and Human Services

2-8

1 AN ACT concerning health and healthcare; relating to sexual assault;
2 services and care therefor; requiring certain entities to provide
3 information to sexual assault survivors; enacting the sexual assault
4 survivor information act.

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

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

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

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

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

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

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

30 Now, therefore:

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

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

34 (b) As used in this section:

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

1 1688.

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

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

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

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

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

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

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

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

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

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

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

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

42 (d) (1) Healthcare facilities, law enforcement authorities and colleges
43 and universities shall follow the department's protocols for assisting sexual

1 assault survivors, including the use of the department's informational
2 materials described in subsection (c).

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

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

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