

By: Wentworth

S.B. No. 389

A BILL TO BE ENTITLED

AN ACT

relating to providing information and other services relating to emergency contraception to sexual assault survivors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 322 to read as follows:

CHAPTER 322. EMERGENCY SERVICES FOR SURVIVORS OF SEXUAL ASSAULT

Sec. 322.001. DEFINITIONS. In this chapter:

(1) "Health care facility" means:

(A) a general or special hospital as defined by Section 241.003;

(B) an ambulatory surgical center as defined by Section 243.002; and

(C) a facility designated as a trauma facility under Chapter 773.

(2) "Sexual assault" means any act as described by Section 22.011 or 22.021, Penal Code.

(3) "Sexual assault survivor" means an individual who is a victim of a sexual assault, regardless of whether a report is made or a conviction is obtained in the incident.

Sec. 322.002. INFORMATION FORM. (a) Each health care facility shall develop an information form for sexual assault survivors that includes information regarding emergency contraception.

1       (b) Emergency contraception information contained in the  
2 form must be medically and factually accurate and unbiased. A  
3 health care facility may use appropriate medical organizations and  
4 associations, including the American College of Obstetricians and  
5 Gynecologists, as resources in developing the form.

6       (c) The information form shall be published in:

7             (1) an easily comprehensible form; and

8             (2) a typeface large enough to be clearly legible.

9       (d) The governing body or other managing authority of a  
10 health care facility shall annually review the information form to  
11 determine if changes to the contents of the form are necessary.

12       Sec. 322.003. EMERGENCY SERVICES RELATING TO EMERGENCY  
13 CONTRACEPTION. After a sexual assault survivor arrives at a health  
14 care facility for emergency care following an alleged sexual  
15 assault, the facility shall:

16             (1) provide the sexual assault survivor with the  
17 information form required under Section 322.002;

18             (2) orally communicate to the sexual assault survivor  
19 the information regarding emergency contraception contained in the  
20 information form provided under Subdivision (1);

21             (3) if indicated by the history of contact, orally  
22 inform the sexual assault survivor that the survivor may request  
23 and be provided with a prescription for emergency contraception at  
24 the facility; and

25             (4) if indicated by the history of contact and if not  
26 medically contraindicated, provide the sexual assault survivor  
27 with a prescription for emergency contraception immediately on

1 request of the survivor.

2 SECTION 2. This Act takes effect September 1, 2005.