
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that one out of every
2 five women in the United States has reported being either raped
3 or physically or sexually assaulted in her lifetime. Based on
4 law enforcement reports, it is estimated that every six minutes,
5 a woman is sexually assaulted. According to the Federal Bureau
6 Uniform Crime Reports, there were three hundred and four
7 forcible rapes reported in Hawaii in 2002. However, the
8 Department of Justice National Crime Victimization Surveys
9 indicate that over fifty per cent of all rapes are not reported
10 to law enforcement.

11 After a woman is sexually assaulted, she faces the
12 additional trauma of the possibility of an unwanted pregnancy by
13 the rapist. Each year, over thirty-two thousand women become
14 pregnant as a result of a sexual assault. It is estimated that
15 fifty per cent of these pregnancies end in abortion.

16 Standards of emergency medical care established by the
17 American Medical Association require female victims of sexual



1 assault to be counseled regarding the risk of pregnancy and
2 offered emergency contraception. The United States Food and
3 Drug Administration approved emergency contraception to prevent
4 pregnancy after unprotected sexual intercourse. However,
5 according to a 1997 Kaiser Family Foundation report, most women
6 of reproductive age do not know enough about emergency
7 contraception to ask for it. Only eleven per cent of the women
8 were aware of the availability of emergency contraception and
9 that the treatment must be initiated within seventy-two hours
10 after sexual intercourse. One statewide study revealed
11 inconsistent protocols and a lack of written policies regarding
12 the treatment of victims of sexual assault in Hawaii's emergency
13 rooms.

14 The purpose of this Act is to ensure that victims of sexual
15 assault are given information about emergency contraception when
16 they receive medical care at a hospital for sexual assault, and
17 that they have immediate access to emergency contraception if
18 they request it.

19 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
20 amended by adding a new part to be appropriately designated and
21 to read as follows:



1 **"PART . EMERGENCY CONTRACEPTION**

2 **§321- Definitions.** For the purpose of this part:

3 "Emergency contraception" means a drug that:

- 4 (1) Is used postcoitally;
- 5 (2) Prevents pregnancy by delaying ovulation, preventing
6 fertilization of an egg, or preventing implantation of
7 an egg in a uterus; and
- 8 (3) Is approved by the United States Food and Drug
9 Administration.

10 "Hospital" includes:

- 11 (1) An institution with an organized medical staff,
12 regulated under section 321-11(10), that admits
13 patients for inpatient care, diagnosis, observation,
14 and treatment; and
- 15 (2) A health facility under chapter 323F.

16 "Medical care" means every type of care, treatment,
17 surgery, hospitalization, attendance, service, and supplies as
18 the nature of the injury requires.

19 "Sexual assault" means any act of sexual penetration
20 prohibited in chapter 707.

21 "Sexual assault survivor" means a female who alleges or is
22 alleged to have been sexually assaulted.



1 **§321- Emergency contraception.** (a) Any hospital that
2 provides medical care to a sexual assault survivor shall:

3 (1) Provide the sexual assault survivor with medically and
4 factually accurate written and oral information about
5 emergency contraception;

6 (2) Orally inform the sexual assault survivor that the
7 sexual assault survivor has the option to receive
8 emergency contraception at the hospital;

9 (3) Provide emergency contraception immediately, at the
10 hospital, to each sexual assault survivor who requests
11 it, including the initial dose that the sexual assault
12 survivor may take at the hospital, and any further
13 dosage as may be necessary; and

14 (4) Ensure that each person at the hospital who may
15 provide medical care to a sexual assault survivor is
16 trained, using medically and factually accurate
17 written and oral information, regarding emergency
18 contraception and sexual assault treatment.

19 (b) The cost of any emergency contraception dispensed
20 pursuant to this part shall be paid by the department using
21 moneys from the domestic violence and sexual assault special
22 fund under section 321-1.3.



1 (c) The department shall adopt rules in accordance with
2 chapter 91.

3 **§321- Enforcement; administrative penalties.** (a) The
4 department may set, charge, and collect administrative fines and
5 recover administrative fees and costs, including attorney's fees
6 and costs, resulting from a violation of this part or any rule
7 adopted under this part.

8 (b) The department shall:

9 (1) Establish a policy and procedure to monitor compliance
10 with this part, including a complaint process; and

11 (2) Provide written notice to any hospital that the
12 department determines is in violation of this part or
13 any rule adopted under this part, including an
14 opportunity to take corrective action.

15 (c) Any hospital that violates this part or any rule
16 adopted under this part after receiving written notice and an
17 opportunity to take corrective action pursuant to subsection
18 (b)(2) shall be fined not more than \$1,000 for each separate
19 offense."

20 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Health; Emergency Contraception

Description:

Requires a hospital, including a public health facility, to provide information and emergency contraception to a sexual assault victim; requires training; includes penalties. (HB466 HD1)

