

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 07-0351.01 Jerry Barry

SENATE BILL 07-060

SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

McGihon,

Senate Committees

Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AVAILABILITY OF EMERGENCY CONTRACEPTION TO**
102 **A SURVIVOR OF A SEXUAL ASSAULT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires hospitals to adopt protocols to inform a survivor of a sexual assault of the availability of emergency contraception. Exempts a health care professional who objects on religious or moral grounds from the requirement to provide information concerning emergency contraception. Specifies that hospitals shall not be required to provide emergency contraception to a pregnant woman.

Encourages rape assistance centers and pharmacies to provide

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
January 30, 2007

SENATE
2nd Reading Unamended
January 29, 2007

information on emergency contraception.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) One of every six women in the United States and one of every
5 four women in Colorado will be the victim of a sexual assault;

6 (b) Forty-four percent of the victims of a sexual assault are under
7 eighteen years of age, and eighty percent of the victims of a sexual assault
8 are under thirty years of age;

9 (c) It is estimated that sixty percent of all sexual assaults are not
10 reported;

11 (d) A woman who is the survivor of a sexual assault may face the
12 additional trauma of an unwanted pregnancy or the fear that pregnancy
13 may result;

14 (e) Each year, between twenty-five thousand and thirty-two
15 thousand women in the United States become pregnant as a result of
16 sexual assaults, and approximately twenty-two thousand of these
17 pregnancies could be prevented if these women used emergency
18 contraception.

19 (2) The general assembly further finds that:

20 (a) Standards of emergency care established by the American
21 College of Emergency Medicine and the American Medical Association
22 require that sexual assault survivors be counseled about their risk of
23 pregnancy and offered emergency contraception;

24 (b) The "National Protocol for Sexual Assault Medical Forensic
25 Examinations", issued by the United States Department of Justice Office

1 on Violence Against Women, recognizes pregnancy as an "often
2 overwhelming and genuine fear" of sexual assault survivors and
3 recommends that health care providers "therefore discuss treatment
4 options with patients, including reproductive health services";

5 (c) The federal Food and Drug Administration has declared
6 emergency contraception to be safe and effective in preventing
7 unintended pregnancy and has approved over-the-counter access to the
8 medication for women over eighteen years of age;

9 (d) Emergency contraception is designed to prevent pregnancy if
10 taken within one hundred twenty hours after unprotected sexual
11 intercourse, but it is most effective if taken within twenty-four hours after
12 unprotected sexual intercourse;

13 (e) A survey of Colorado hospitals found that there are
14 inconsistent policies and practices for dispensing emergency
15 contraception and providing education to sexual assault survivors;

16 (f) Because emergency contraception is time-sensitive and a
17 sexual assault survivor may have delayed seeking hospital treatment, it is
18 critical that she be informed of this option at the time of her treatment.

19 (3) The general assembly declares that the purpose of this act is
20 to promote awareness of the availability of emergency contraception for
21 sexual assault survivors as a compassionate response to their traumas.
22 The general assembly further declares that the purpose of this act is to
23 reduce the number of unintended pregnancies and induced abortions that
24 result from sexual assault.

25 **SECTION 2.** Part 1 of article 3 of title 25, Colorado Revised
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
27 read:

1 **25-3-110. Emergency contraception - definitions.** (1) FOR
2 PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

3 (a) "EMERGENCY CONTRACEPTION" MEANS A DRUG APPROVED BY
4 THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT PREVENTS
5 PREGNANCY AFTER SEXUAL INTERCOURSE, INCLUDING BUT NOT LIMITED
6 TO ORAL CONTRACEPTIVE PILLS; EXCEPT THAT "EMERGENCY
7 CONTRACEPTION" SHALL NOT INCLUDE RU-486, MIFEPRISTONE, OR ANY
8 OTHER DRUG OR DEVICE THAT INDUCES A MEDICAL ABORTION.

9 (b) "SEXUAL ASSAULT SURVIVOR" SHALL HAVE THE SAME
10 MEANING AS "VICTIM" AS DEFINED IN SECTION 18-3-401 (7), C.R.S.

11 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
12 CONTRARY, ALL HEALTH CARE FACILITIES THAT ARE LICENSED PURSUANT
13 TO THIS PART 1 AND PROVIDE EMERGENCY CARE TO SEXUAL ASSAULT
14 SURVIVORS SHALL AMEND THEIR EVIDENCE-COLLECTION PROTOCOLS FOR
15 THE TREATMENT OF SEXUAL ASSAULT SURVIVORS TO INCLUDE INFORMING
16 THE SURVIVOR IN A TIMELY MANNER OF THE AVAILABILITY OF EMERGENCY
17 CONTRACEPTION AS A MEANS OF PREGNANCY PROPHYLAXIS AND
18 EDUCATING THE SURVIVOR ON THE PROPER USE OF EMERGENCY
19 CONTRACEPTION AND THE APPROPRIATE FOLLOW-UP CARE.

20 (3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE:

21 (a) A HEALTH CARE PROFESSIONAL WHO IS EMPLOYED BY A
22 HEALTH CARE FACILITY THAT PROVIDES EMERGENCY CARE TO A SEXUAL
23 ASSAULT SURVIVOR TO INFORM THE SURVIVOR OF THE AVAILABILITY OF
24 EMERGENCY CONTRACEPTION IF THE PROFESSIONAL REFUSES TO PROVIDE
25 THE INFORMATION ON THE BASIS OF RELIGIOUS OR MORAL BELIEFS; OR

26 (b) A HEALTH CARE FACILITY TO PROVIDE EMERGENCY
27 CONTRACEPTION TO A SEXUAL ASSAULT SURVIVOR WHO IS NOT AT RISK OF

1 BECOMING PREGNANT AS A RESULT OF THE SEXUAL ASSAULT OR WHO WAS
2 ALREADY PREGNANT AT THE TIME OF THE ASSAULT.

3 (4) THE GENERAL ASSEMBLY ENCOURAGES HEALTH CARE
4 FACILITIES TO PROVIDE TRAINING TO EMERGENCY ROOM STAFF
5 CONCERNING THE EFFICACY OF EMERGENCY CONTRACEPTION AND THE
6 TIME-SENSITIVE NATURE OF THE DRUG.

7 (5) BECAUSE EMERGENCY CONTRACEPTION IS TIME-SENSITIVE AND
8 A SEXUAL ASSAULT SURVIVOR MAY SEEK INFORMATION ON OR DIRECT
9 ACCESS TO EMERGENCY CONTRACEPTION TO PREVENT AN UNINTENDED
10 PREGNANCY RESULTING FROM THE ASSAULT INSTEAD OF OR PRIOR TO
11 SEEKING HOSPITAL TREATMENT, IT IS CRITICAL THAT SEXUAL ASSAULT
12 SURVIVORS HAVE ACCURATE INFORMATION ABOUT THE AVAILABILITY AND
13 USE OF EMERGENCY CONTRACEPTION. THEREFORE, THE GENERAL
14 ASSEMBLY ENCOURAGES:

15 (a) ENTITIES OFFERING VICTIM ASSISTANCE OR COUNSELING AND
16 RAPE CRISIS HOTLINES TO INCLUDE INFORMATION CONCERNING THE
17 AVAILABILITY AND USE OF EMERGENCY CONTRACEPTION; AND

18 (b) LICENSED OR REGISTERED PHARMACIES IN THE STATE OF
19 COLORADO TO DISTRIBUTE INFORMATION CONCERNING THE AVAILABILITY
20 AND USE OF EMERGENCY CONTRACEPTION.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.