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HOUSE BILL 2690

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Schual-Berke, Cody, Kirby, Upthegrove, Tokuda, Chase, Nixon, Hankins, Ogden, Hunt, Romero, Santos, Lantz, Lysen, Darneille, Simpson, Rockefeller, Kagi, McDermott and Ruderman

Read first time 01/23/2002. Referred to Committee on Health Care.

1 AN ACT Relating to emergency care for victims of sexual assault;  
2 amending RCW 70.41.020; adding new sections to chapter 70.41 RCW; and  
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Each year, over three hundred thousand women are sexually  
7 assaulted in the United States;

8 (b) Nationally, over thirty-two thousand women become pregnant each  
9 year as a result of sexual assault. Approximately fifty percent of  
10 these pregnancies end in abortion;

11 (c) Approximately thirty-eight percent of women in Washington are  
12 sexually assaulted over the course of their lifetime. This is twenty  
13 percent more than the national average;

14 (d) Only fifteen percent of sexual assaults in Washington are  
15 reported; however, even the numbers of reported attacks are staggering.  
16 For example, last year, two thousand six hundred fifty-nine rapes were  
17 reported in Washington, this is more than seven rapes per day.

1 (2) The legislature deems it essential that all hospital emergency  
2 rooms provide emergency contraception as a treatment option to any  
3 woman who seeks treatment as a result of a sexual assault.

4 **Sec. 2.** RCW 70.41.020 and 1991 c 3 s 334 are each amended to read  
5 as follows:

6 Unless the context clearly indicates otherwise, the following  
7 terms, whenever used in this chapter, shall be deemed to have the  
8 following meanings:

9 (1) "Department" means the Washington state department of  
10 health((~~+~~)).

11 (2) "Emergency care to victims of sexual assault" means medical  
12 examinations, procedures, and services provided by a hospital emergency  
13 room to a victim of sexual assault following an alleged sexual assault.

14 (3) "Emergency contraception" means any health care treatment  
15 approved by the food and drug administration that prevents pregnancy,  
16 including but not limited to administering two increased doses of  
17 certain oral contraceptive pills within seventy-two hours of sexual  
18 contact or insertion of an intrauterine device within five to seven days  
19 of sexual contact.

20 (4) "Hospital" means any institution, place, building, or agency  
21 which provides accommodations, facilities and services over a  
22 continuous period of twenty-four hours or more, for observation,  
23 diagnosis, or care, of two or more individuals not related to the  
24 operator who are suffering from illness, injury, deformity, or  
25 abnormality, or from any other condition for which obstetrical,  
26 medical, or surgical services would be appropriate for care or  
27 diagnosis. "Hospital" as used in this chapter does not include hotels,  
28 or similar places furnishing only food and lodging, or simply  
29 domiciliary care; nor does it include clinics, or physician's offices  
30 where patients are not regularly kept as bed patients for twenty-four  
31 hours or more; nor does it include nursing homes, as defined and which  
32 come within the scope of chapter 18.51 RCW; nor does it include  
33 ((~~maternity homes~~)) birthing centers, which come within the scope of  
34 chapter 18.46 RCW; nor does it include psychiatric hospitals, which  
35 come within the scope of chapter 71.12 RCW; nor any other hospital, or  
36 institution specifically intended for use in the diagnosis and care of  
37 those suffering from mental illness, mental retardation, convulsive  
38 disorders, or other abnormal mental condition. Furthermore, nothing in

1 this chapter or the rules adopted pursuant thereto shall be construed  
2 as authorizing the supervision, regulation, or control of the remedial  
3 care or treatment of residents or patients in any hospital conducted  
4 for those who rely primarily upon treatment by prayer or spiritual  
5 means in accordance with the creed or tenets of any well recognized  
6 church or religious denominations((+)).

7 ((+3+)) (5) "Person" means any individual, firm, partnership,  
8 corporation, company, association, or joint stock association, and the  
9 legal successor thereof.

10 (6) "Secretary" means the secretary of health.

11 (7) "Sexual assault" has the same meaning as in RCW 70.125.030.

12 (8) "Victim of sexual assault" means a person who alleges or is  
13 alleged to have been sexually assaulted and who presents as a patient.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW  
15 to read as follows:

16 (1) Every hospital providing emergency care to a victim of sexual  
17 assault shall:

18 (a) Provide the victim with medically and factually accurate and  
19 unbiased written and oral information about emergency contraception;

20 (b) Orally inform each victim of sexual assault of her option to be  
21 provided emergency contraception at the hospital; and

22 (c) If not medically contraindicated, provide emergency  
23 contraception immediately at the hospital to each victim of sexual  
24 assault who requests it.

25 (2) The secretary, in collaboration with community sexual assault  
26 programs and other qualified agencies, shall develop, prepare, and  
27 produce informational materials relating to emergency contraception for  
28 distribution to and use in all emergency rooms in the state, in  
29 quantities sufficient to comply with the requirements of this section.  
30 The secretary, in collaboration with community sexual assault programs  
31 and other qualified agencies, may also approve informational materials  
32 from other sources for the purposes of this section. The informational  
33 materials must be clearly written and readily comprehensible, in such  
34 varieties and forms as the secretary, in collaboration with community  
35 sexual assault programs and other qualified agencies, deem necessary to  
36 inform victims of sexual assault. The materials must be made available  
37 in English, Spanish, and other appropriate languages. The materials

1 must explain the nature of emergency contraception, including that it  
2 is effective in preventing pregnancy, and treatment options.

3 (3) The secretary will adopt rules necessary to implement this  
4 section.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.41 RCW  
6 to read as follows:

7 The department must respond to complaints of violations of section  
8 3 of this act. The department will convene an advisory committee,  
9 composed of representatives from community sexual assault programs and  
10 other qualified agencies including advocacy agencies, medical agencies,  
11 and hospital associations, to help monitor compliance.

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