
SUBSTITUTE SENATE BILL 6537

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Winsley, Kohl-Welles, Thibaudeau, Fairley, Kline, Jacobsen, Prentice, B. Sheldon and Keiser)

READ FIRST TIME 02/08/2002.

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.

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

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

6 ((+3+)) (5) "Person" means any individual, firm, partnership,
7 corporation, company, association, or joint stock association, and the
8 legal successor thereof.

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

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

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

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

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

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

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

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

24 (2) The secretary, in collaboration with community sexual assault
25 programs and other relevant stakeholders, shall develop, prepare, and
26 produce informational materials relating to emergency contraception for
27 the prevention of pregnancy in rape victims for distribution to and use
28 in all emergency rooms in the state, in quantities sufficient to comply
29 with the requirements of this section. The secretary, in collaboration
30 with community sexual assault programs and other relevant stakeholders,
31 may also approve informational materials from other sources for the
32 purposes of this section. The informational materials must be clearly
33 written and readily comprehensible in a culturally competent manner, as
34 the secretary, in collaboration with community sexual assault programs
35 and other relevant stakeholders, deems necessary to inform victims of
36 sexual assault. The materials must explain the nature of emergency
37 contraception, including that it is effective in preventing pregnancy,
38 treatment options, and where they can be obtained.

1 (3) The secretary shall adopt rules necessary to implement this
2 section.

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

5 The department must respond to complaints of violations of section
6 3 of this act. The department shall convene a task force, composed of
7 representatives from community sexual assault programs and other
8 relevant stakeholders including advocacy agencies, medical agencies,
9 and hospital associations, to provide input into the development and
10 evaluation of the education materials and rule development. The task
11 force shall expire on January 1, 2004.

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