

2022 Regular Session

ACT No. 513

HOUSE BILL NO. 1061 (Substitute for House Bill No. 520 by Representative Hughes)

BY REPRESENTATIVE HUGHES AND SENATOR BARROW

1 AN ACT

2 To amend and reenact R.S. 40:1216.1(G) and to enact R.S. 40:1216.1(A)(10), relative to
3 procedures for victims of sexually-oriented criminal offenses; to provide for
4 emergency contraception; to provide for informational materials relating to
5 emergency contraception; to provide for definitions; to provide for an effective date;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1216.1(G) is hereby amended and reenacted and R.S.
9 40:1216.1(A)(10) is hereby enacted to read as follows:

10 §1216.1. Procedures for victims of a sexually-oriented criminal offense; immunity;
11 regional plans; maximum allowable costs; definitions

12 A. All licensed hospitals and healthcare providers in Louisiana shall adhere
13 to the following procedures in the event that a person, male or female, presents
14 himself or herself or is presented for treatment as a victim of a sexually-oriented
15 criminal offense:

16 * * *

17 (10)(a) The victim shall be provided with information about emergency
18 contraception which shall be developed and made available electronically to all
19 licensed hospitals in this state through the Louisiana Department of Health's website
20 and by paper form upon request to the department.

21 (b) The treating healthcare provider shall inform the victim of the option to
22 be provided emergency contraception at the hospital or healthcare facility and, upon

1 the completion of a pregnancy test yielding a negative result, shall provide
2 emergency contraception upon the request of the victim.

3 * * *

4 G. For purposes of this Section the following definitions apply:

5 (1) "Emergency contraception" means only drugs approved by the United
6 States Food and Drug Administration with mechanisms of action that likely include
7 the prevention of ovulation, sperm capacitation, or fertilization after sexual
8 intercourse and do not meet the definition of a legend drug as defined in R.S.
9 40:1060.11.

10 (2) "Forensic medical examination" has the same meaning as defined in R.S.
11 15:622.

12 ~~(2)~~ (3) "Healthcare provider" means either of the following:

13 (a) A physician or other healthcare practitioner licensed, certified, registered,
14 or otherwise authorized to perform specified healthcare services consistent with state
15 law.

16 (b) A facility or institution providing healthcare services, including but not
17 limited to a hospital or other licensed inpatient center, ambulatory surgical or
18 treatment center, skilled nursing facility, inpatient hospice facility, residential
19 treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other
20 therapeutic health setting.

21 ~~(3)~~ (4) "Healthcare services" means services, items, supplies, or drugs for the
22 diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury,
23 or disease ancillary to a sexually-oriented criminal offense.

24 ~~(4)~~ (5) "Sexually-oriented criminal offense" has the same meaning as defined
25 in R.S. 15:622.

26 Section 2. The Louisiana Department of Health shall develop and make available
27 informational materials to comply with the requirements of R.S. 40:1216.1 as enacted by
28 Section 1 of this Act. The department shall prepare and produce informational materials
29 relating to emergency contraception for the prevention of pregnancy for distribution and use
30 in all licensed hospitals in this state. The department, in collaboration with community

1 sexual assault programs and other appropriate stakeholders, may also approve informational
2 materials from other sources for the purposes of this Act. The informational materials shall
3 meet all of the following requirements:

4 (1) Be medically and factually accurate and objective.

5 (2) Be clearly written and readily comprehensible in a culturally competent manner
6 as the department, in collaboration with community sexual assault programs and other
7 relevant stakeholders, deems necessary to inform survivors of sexual assault.

8 (3) Explain the nature of emergency contraception, including its use, safety, efficacy,
9 and availability.

10 Section 3. This Act shall become effective on January 1, 2023.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____