

2022 Regular Session

HOUSE BILL NO. 520

BY REPRESENTATIVE HUGHES

HEALTH/WOMEN'S: Provides relative to emergency contraception for victims of sexual assault

1 AN ACT

2 To amend and reenact the heading of Part XIII of Chapter 11 of the Louisiana Revised
3 Statutes of 1950 and R.S. 40:2199(A)(1) and to enact R.S. 40:2199.11 through
4 2199.14, relative to emergency contraception; to provide emergency care to victims
5 of sexually-oriented criminal offenses; to provide for an effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The heading of Part XIII of Chapter 11 of the Louisiana Revised Statutes
9 of 1950 and R.S. 40:2199(A)(1) are hereby amended and reenacted and R.S. 40:2199.11
10 through 2199.14 are hereby enacted to read as follows:

11 PART XIII. HEALTH CARE FACILITIES ~~AND SERVICES; LICENSING~~
12 ~~ENFORCEMENT~~ EMERGENCY CARE TO VICTIMS OF SEXUALLY-ORIENTED
13 CRIMINAL OFFENSES

14 §2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities

15 A.(1) For purposes of this ~~Part~~ Subpart, "facility" shall mean any one or
16 more of the following: an adult day health care facility, substance abuse/addiction
17 treatment facility, ambulatory surgery center, case management facility, urine drug
18 screening facility, mobile cholesterol screening facility, end stage renal disease
19 facility, supplier of portable X-ray services, home health agency, hospice, hospital,

1 ICF/DD facility, outpatient abortion facility, or any other healthcare provider
2 licensed or certified by the Louisiana Department of Health.

3 * * *

4 §2199.11. Purpose

5 The purpose of this Subpart is to ensure appropriate emergency health care
6 for sexual assault survivors.

7 §2199.12. Definitions

8 For the purposes of this Subpart, the following terms have the meaning
9 ascribed to them:

10 (1) "Emergency care to victims of sexually-oriented criminal offenses"
11 means any healthcare services provided pursuant to R.S. 40:1216.1.

12 (2) "Emergency contraception" means medication approved by the United
13 States Food and Drug Administration that prevents pregnancy after unprotected sex.

14 (3) "Medically and factually accurate and objective information" means
15 information that is verified or supported by the weight of research conducted in
16 compliance with accepted scientific methods and meets all of the following criteria:

17 (a) Is published in peer-reviewed journals where applicable.

18 (b) Is recognized as an accurate objective by leading professional
19 organizations and agencies with relevant expertise in the field, such as the American
20 College of Obstetricians and Gynecologists.

21 (4) "Sexual assault" means any nonconsensual sexual contact including but
22 not limited to any act provided in R.S. 15:541(24).

23 (5) "Sexual assault survivor" means a person who alleges or is alleged to
24 have been raped and presents as a patient at a healthcare facility.

25 §2199.13. Emergency care to victims of sexually-oriented criminal offenses

26 It shall be the standard of care for hospitals and healthcare facilities that
27 provide emergency care to sexual assault survivors to do all of the following:

1 (1) Provide each sexual assault survivor with medically and factually
2 accurate and objective written and oral information about emergency contraception,
3 which has been prepared in accordance with R.S. 40:2199.14.

4 (2) Inform each sexual assault survivor of the sexual assault survivor's option
5 to be provided emergency contraception at the hospital and healthcare facility.

6 (3) Dispense emergency contraception within twenty-four hours at the
7 hospital or healthcare facility to each sexual assault survivor who requests it.

8 §2199.14. Required information for sexual assault patients

9 A. The Louisiana Department of Health shall develop, prepare, and produce
10 informational materials relating to emergency contraception for the prevention of
11 pregnancy for distribution to and use in all emergency departments in this state, in
12 quantities sufficient to comply with the requirements of this Subpart. The
13 department, in collaboration with community sexual assault programs and other
14 appropriate stakeholders, may also approve informational materials from other
15 sources for the purposes of this Section. The informational materials shall meet all
16 of the following requirements:

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

18 (2) Be clearly written and readily comprehensible in a culturally competent
19 manner, as the Louisiana Department of Health, in collaboration with community
20 sexual assault programs and other relevant stakeholders, considers necessary to
21 inform survivors of sexual assault.

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

24 B. The Louisiana Department of Health shall publish the information
25 required by the provisions of this Section on its website.

26 Section 2.(A) The Louisiana State Law Institute is hereby directed to designate R.S.
27 40:2199 and 2199.1 as Subpart A of Part XIII of Chapter 11 of Title 40 of the Louisiana
28 Revised Statutes of 1950, and is further directed to apply to the Subpart the heading
29 "Licensing Enforcement".

1 (B) The Louisiana State Law Institute is hereby directed to designate R.S.
2 40:2199.11 through 2199.14, as enacted by Section 1 of this Act, as Subpart B of Part XIII
3 of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, and is further directed
4 to apply to the Subpart the heading "Healthcare Facilities; Emergency Care to Victims of
5 Sexually-Oriented Criminal Offenses".

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 520 Original

2022 Regular Session

Hughes

Abstract: Provides emergency healthcare for victims of sexually-oriented criminal offenses, adds definitions, establishes a standard of care for hospitals and healthcare facilities, and requires the La. Dept. of Health (LDH) to provide certain information.

Proposed law provides emergency health care for sexual assault survivors.

Proposed law defines "emergency care to victims of sexually-oriented criminal offenses", "emergency contraception", "medically and factually accurate and objective", "sexual assault", and "sexual assault survivor".

Proposed law establishes a standard of care for hospitals and healthcare facilities that requires the provision of emergency care to victims of sexually-oriented criminal offenses.

Proposed law requires LDH to provide informational materials to sexual assault victims that are medically and factually accurate and objective, clearly written and readily comprehensible in a culturally competent manner, and explain the nature of emergency contraception, including its use, safety, efficacy, and availability.

Proposed law requires LDH to publish the required information on its website.

Effective Jan. 1, 2023.

(Amends the heading of Part XIII of Chapter 11 of the Louisiana Revised Statutes of 1950 and R.S. 40:2199(A)(1); Adds R.S. 40:2199.11-2199.14)