

2022 Regular Session

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

BY REPRESENTATIVE HUGHES

HEALTH/WOMEN'S: Provides for procedures for victims of sexually-oriented criminal offenses

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

1 licensed hospitals in this state through the Louisiana Department of Health's website
2 and by paper form upon request to the department.

3 (b) The treating healthcare provider shall inform the victim of the option to
4 be provided emergency contraception at the hospital or healthcare facility and, upon
5 the completion of a pregnancy test yielding a negative result, shall provide
6 emergency contraception upon the request of the victim.

7 * * *

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

9 (1) "Emergency contraception" means only drugs approved by the United
10 States Food and Drug Administration with mechanisms of action that likely include
11 the prevention of ovulation, sperm capacitation, or fertilization after sexual
12 intercourse and do not meet the definition of a legend drug as defined in R.S.
13 40:1060.11.

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

16 ~~(2)~~(3) "Healthcare provider" means either of the following:

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

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

25 ~~(3)~~(4) "Healthcare services" means services, items, supplies, or drugs for the
26 diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury,
27 or disease ancillary to a sexually-oriented criminal offense.

28 ~~(4)~~(5) "Sexually-oriented criminal offense" has the same meaning as defined
29 in R.S. 15:622.

1 Section 2. The Louisiana Department of Health shall develop and make available
2 informational materials to comply with the requirements of R.S. 40:1216.1 as enacted by
3 Section 1 of this Act. The department shall prepare and produce informational materials
4 relating to emergency contraception for the prevention of pregnancy for distribution and use
5 in all licensed hospitals in this state. The department, in collaboration with community
6 sexual assault programs and other appropriate stakeholders, may also approve informational
7 materials from other sources for the purposes of this Act. The informational materials shall
8 meet all of the following requirements:

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

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

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

15 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 1061 Original

2022 Regular Session

Hughes

Abstract: Provides relative to victims of sexually-oriented criminal offenses.

Present law requires all licensed hospitals and healthcare providers in Louisiana to adhere to certain procedures if a person, male or female, presents himself or is presented for treatment as a victim of a sexually-oriented criminal offense.

Proposed law requires the victim to be provided with information about emergency contraception.

Proposed law requires the information about emergency contraception to be developed and made available to all licensed Louisiana hospitals electronically through the La. Dept. of Health's (LDH) website and by paper form upon request to LDH.

Proposed law requires the treating healthcare provider to inform the victim of the option to be provided emergency contraception at the hospital or healthcare facility and, upon the completion of a pregnancy test yielding a negative result, requires the emergency contraception to be provided upon the victim's request.

Present law defines "forensic medical examination", "healthcare provider", "healthcare services", and "sexually-oriented criminal offense".

Proposed law defines "emergency contraception".

Proposed law requires LDH to develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution and use in all licensed hospitals in this state.

Proposed law requires LDH, in collaboration with community sexual assault programs and other appropriate stakeholders, to approve informational materials from other sources for the purposes of proposed law.

Proposed law establishes certain requirements for the informational materials required by proposed law.

Effective Jan. 1, 2023.

(Amends R.S. 40:1216.1(G); Adds R.S. 40:1216.1(A)(10))