

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 05-0341.01 Jerry Barry

HOUSE BILL 05-1042

HOUSE SPONSORSHIP

Boyd

SENATE SPONSORSHIP

Veiga

House Committees

Health and Human Services

Senate Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING THE AVAILABILITY OF EMERGENCY CONTRACEPTION TO**
102 **A SURVIVOR OF A SEXUAL ASSAULT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires hospitals to adopt protocols to inform a survivor of a sexual assault of the availability of emergency contraception and to offer to dispense the emergency contraception or refer the survivor to a pharmacy that can dispense the emergency contraception. Exempts a health care professional who objects on religious or moral grounds from the requirement to provide information concerning emergency contraception. Specifies that hospital shall not be required to provide emergency contraception to a pregnant woman.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 21, 2005

SENATE
Amended 2nd Reading
March 18, 2005

HOUSE
3rd Reading Unamended
January 31, 2005

HOUSE
Amended 2nd Reading
January 28, 2005

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) Each year more than three hundred thousand women are
5 sexually assaulted in the United States.

6 (b) A woman who is the survivor of a sexual assault may face the
7 additional trauma of an unwanted pregnancy or the fear that pregnancy
8 may result.

9 (c) Each year, between twenty-five thousand and thirty-two
10 thousand women in the United States become pregnant as a result of a
11 sexual assault, and approximately twenty-two thousand of these
12 pregnancies could be prevented if all women used emergency
13 contraception.

14 (2) The general assembly further finds that:

15 (a) Standards of emergency care established by the American
16 College of Emergency Medicine and the American Medical Association
17 require that female sexual assault survivors be counseled about their risk
18 of pregnancy and offered emergency contraception.

19 (b) Emergency contraception is more likely to prevent pregnancy
20 if taken as soon as possible, but emergency contraception prevents
21 pregnancy if taken within one-hundred-twenty hours after unprotected
22 sexual intercourse.

23 (c) A recent survey of Colorado hospitals found that there are
24 inconsistent policies and practices for dispensing emergency
25 contraception and providing education to female sexual assault survivors.

26 (d) Because emergency contraception is time sensitive and a

1 sexual assault survivor may have delayed hospital treatment, it is critical
2 that she be informed of this option and, if she wishes, be dispensed
3 emergency contraception at the time of her examination or be provided
4 a timely prescription.

5 (3) The general assembly declares the purpose of this act is to
6 promote the availability of emergency contraception for sexual assault
7 survivors as a compassionate response to their trauma. The general
8 assembly further declares the purpose of this act is to reduce the number
9 of unintended pregnancies and induced abortions that result from sexual
10 assault.

11 **SECTION 2.** Part 1 of article 3 of title 25, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **25-3-110. Emergency contraception.** (1) FOR PURPOSES OF THIS
15 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 (a) "EMERGENCY CONTRACEPTION" MEANS ANY DRUG
17 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT
18 PREVENTS PREGNANCY AFTER SEXUAL INTERCOURSE, INCLUDING BUT NOT
19 LIMITED TO ORAL CONTRACEPTIVE PILLS; EXCEPT THAT "EMERGENCY
20 CONTRACEPTION" SHALL NOT INCLUDE RU-486, MIFEPRISTONE, OR ANY
21 OTHER DRUG OR DEVICE THAT INDUCES A MEDICAL ABORTION.

22 (b) "SEXUAL ASSAULT SURVIVOR" SHALL HAVE THE SAME MEANING
23 AS "VICTIM" AS DEFINED IN SECTION 18-3-401 (7), C.R.S.

24 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
25 CONTRARY, ALL HEALTH CARE FACILITIES THAT ARE LICENSED PURSUANT
26 TO THIS PART 1 AND PROVIDE EMERGENCY CARE TO SEXUAL ASSAULT
27 SURVIVORS SHALL ADOPT AMENDMENTS TO THEIR EVIDENCE COLLECTION

1 PROTOCOLS FOR THE TREATMENT OF A FEMALE SEXUAL ASSAULT
2 SURVIVOR THAT INCLUDE INFORMING THE SURVIVOR IN A TIMELY MANNER
3 OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION AS A MEANS OF
4 PREGNANCY PROPHYLAXIS AND EDUCATING THE SURVIVOR ON THE PROPER
5 USE OF EMERGENCY CONTRACEPTION AND THE APPROPRIATE FOLLOW-UP
6 CARE. ALL SUCH HEALTH CARE FACILITIES SHALL OFFER EMERGENCY
7 CONTRACEPTION TO A FEMALE SEXUAL ASSAULT SURVIVOR AND EITHER
8 DISPENSE THE EMERGENCY CONTRACEPTION TO THE SURVIVOR OR REFER
9 THE SURVIVOR TO A NEARBY PHARMACY THAT CAN DISPENSE THE
10 EMERGENCY CONTRACEPTION.

11 (3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE:

12 (a) A HEALTH CARE PROFESSIONAL WHO IS EMPLOYED BY A
13 HEALTH CARE FACILITY THAT PROVIDES EMERGENCY CARE TO A FEMALE
14 SEXUAL ASSAULT SURVIVOR TO INFORM THE SURVIVOR OF THE
15 AVAILABILITY OF EMERGENCY CONTRACEPTION IF THE PROFESSIONAL
16 REFUSES TO PROVIDE THE INFORMATION ON THE BASIS OF RELIGIOUS OR
17 MORAL BELIEFS; OR

18 (b) A HEALTH CARE FACILITY TO PROVIDE EMERGENCY
19 CONTRACEPTION TO A SURVIVOR OF A SEXUAL ASSAULT WHO IS NOT AT
20 RISK OF BECOMING PREGNANT AS A RESULT OF THE SEXUAL ASSAULT OR
21 WHO ALREADY IS PREGNANT.

22 (4) THE GENERAL ASSEMBLY ENCOURAGES HEALTH CARE
23 FACILITIES TO PROVIDE TRAINING TO EMERGENCY ROOM STAFF
24 CONCERNING THE EFFICACY OF EMERGENCY CONTRACEPTION AND THE
25 TIME-SENSITIVE NATURE OF PRESCRIBING AND DISPENSING THE DRUG.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.