

HOUSEAMENDMENT NO. ____Offered byof

1 AMEND House Committee Substitute for House Bill No. 1541, Page 1,
 2 In the Title, Line 2, by deleting the word "seven" and inserting
 3 in lieu thereof the word "nine"; and

4 Further amend said bill, Page 1, Section A, Line 1, by
 5 deleting the word "seven" and inserting in lieu thereof the word
 6 "nine"; and

7 Further amend said bill, Page 1, Section A, Line 2, by
 8 inserting after the word "sections" the numbers "191.717,
 9 191.718,"; and

10 Further amend said bill, Page 1, Section A, Line 3, by
 11 inserting after all of said line the following:

12 "191.717. 1. Sections 191.717 and 191.718 may be cited as
 13 the "Compassionate Assistance for Rape Emergencies (CARE) Act".

14 2. As used in sections 191.717 to 191.718, unless the
 15 context clearly indicates otherwise, the following terms shall
 16 mean:

17 (1) "Emergency care to sexual assault victims", medical
 18 examinations, procedures, or services provided at a hospital to a
 19 sexual assault victim following an alleged rape;

20 (2) "Emergency contraception", any drug or device approved
 21 by the Food and Drug Administration that prevents pregnancy after
 22 sexual intercourse;

23 (3) "Health care facility", any urgent care center or
 24 facility that offers treatment for patients during normal
 25 business, after-business, or weekend hours and that is affiliated
 26 with a licensed hospital;

27 (4) "Medically and factually accurate and objective",
 28 verified or supported by the weight of research conducted in
 29 compliance with accepted scientific methods and is published in

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1 peer-reviewed journals where applicable; or comprising
2 information that leading professional organizations and agencies
3 with relevant expertise in the field, such as the American
4 College of Obstetricians and Gynecologists, recognize as accurate
5 and objective;

6 (5) "Sexual assault", as defined in section 566.040;

7 (6) "Sexual assault victim", a female who is alleged to
8 have been raped and is presented as a patient.

9 191.718. 1. It shall be the standard of care for any
10 hospital and any health care facility that provides emergency
11 care to sexual assault victims to:

12 (1) Provide each sexual assault victim with medically and
13 factually accurate and objective written and oral information
14 about emergency contraception;

15 (2) Orally inform each sexual assault victim of her option
16 to be provided emergency contraception at the hospital;

17 (3) Provide the complete regimen of emergency contraception
18 immediately at the hospital or health care facility to each
19 sexual assault victim who requests it; and

20 (4) Follow the Department of Justice protocols on HIV/STI
21 screening and prophylactic treatment.

22 2. Hospitals and health care facilities shall ensure that
23 each person who provides care to sexual assault victims is
24 provided with medically and factually accurate and objective
25 information about emergency contraception.

26 3. The department of health and senior services shall
27 develop, prepare, and produce informational materials relating to
28 emergency contraception for the prevention of pregnancy for
29 distribution in any hospital or health care facility in the state
30 in quantities sufficient to comply with the requirements of this
31 section. The director, in collaboration with community sexual
32 assault programs, may also approve informational materials from
33 other sources.

34 4. The information materials shall:

35 (1) Be medically and factually accurate and objective;

36 (2) Be clearly written and readily comprehensible in a
37 culturally competent manner, as the department deems necessary to

1 inform victims of sexual assault; and

2 (3) Explain the nature of emergency contraception,
3 including its use, safety, efficacy, and availability, and that
4 it does not cause abortion.

5 5. The department of health and senior services shall
6 respond to complaints and shall periodically determine whether
7 hospitals and health care facilities are complying with the
8 provisions of this section. The department may use all
9 investigative tools available to verify compliance. If the
10 department determines that a hospital or health care facility is
11 not in compliance, the department shall:

12 (1) Impose an administrative penalty of five thousand
13 dollars per woman who is denied medically and factually accurate
14 and objective information about emergency contraception or who is
15 not offered or provided emergency contraception; and

16 (2) Impose an administrative penalty of five thousand
17 dollars for failure to comply with the provisions of this section
18 and for every thirty days that a hospital or health care facility
19 is not in compliance, an additional penalty of five thousand
20 dollars shall be imposed.

21 6. The department shall promulgate rules to implement the
22 provisions of sections 191.717 to 191.718.

23 7. Any rule or portion of a rule, as that term is defined
24 in section 536.010, that is created under the authority delegated
25 in this section shall become effective only if it complies with
26 and is subject to all of the provisions of chapter 536 and, if
27 applicable, section 536.028. This section and chapter 536 are
28 nonseverable and if any of the powers vested with the general
29 assembly pursuant to chapter 536 to review, to delay the
30 effective date, or to disapprove and annul a rule are
31 subsequently held unconstitutional, then the grant of rulemaking
32 authority and any rule proposed or adopted after August 28, 2012,
33 shall be invalid and void."; and

34 Further amend said title, enacting clause and intersectional
35 references accordingly.