

A bill for an act
relating to health; requiring hospital emergency rooms to provide emergency
contraception, prophylactic antibiotics, and information to sexual assault victims;
proposing coding for new law in Minnesota Statutes, chapter 145.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[145.471] SHORT TITLE.**

Sections 145.471 to 145.4713 may be cited as the "Compassionate Care for Sexual
Assault Victims Act."

Sec. 2. **[145.4711] DEFINITIONS.**

Subdivision 1. **Application.** For purposes of sections 145.471 to 145.4713, the
following definitions apply.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of health.

Subd. 3. **Emergency care to sexual assault victims.** "Emergency care to sexual
assault victims" means medical examinations, procedures, and services provided at a
hospital to a sexual assault victim following an alleged sexual assault.

Subd. 4. **Emergency contraception.** "Emergency contraception" means a drug,
drug regiment, or device approved by the federal Food and Drug Administration to
prevent pregnancy when administered after sexual contact, including prescription and
over-the-counter hormonal emergency contraception and intrauterine devices.

Subd. 5. **Sexual assault.** "Sexual assault" means criminal sexual conduct in the first
degree under section 609.342, criminal sexual conduct in the second degree under section
609.343, criminal sexual conduct in the third degree under section 609.344, criminal
sexual conduct in the fourth degree under section 609.345, or incest under section 609.365.

Subd. 6. **Sexual assault victim.** "Sexual assault victim" means a woman or man who alleges, or is alleged to have been, sexually assaulted and who presents at a hospital as a patient.

Sec. 3. **[145.4712] EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

Subdivision 1. **Emergency care to female sexual assault victims.** (a) It shall be the standard of care for all hospitals that provide emergency care to, at a minimum:

(1) provide each female sexual assault victim with medically and factually accurate and unbiased written and oral information about emergency contraception from the American College of Obstetricians and Gynecologists and distributed to all hospitals by the Department of Health;

(2) orally inform each female sexual assault victim of the option of being provided with emergency contraception at the hospital; and

(3) immediately provide emergency contraception to each sexual assault victim who requests it provided it is not medically contraindicated and is ordered by a legal prescriber. Emergency contraception shall be administered in accordance with current medical protocols regarding timing and dosage necessary to complete the treatment.

(b) A hospital may administer a pregnancy test. If the pregnancy test is positive, the hospital does not have to comply with provisions in paragraph (a).

Subd. 2. **Emergency care to male and female sexual assault victims.** It shall be the standard of care for all hospitals that provide emergency care to, at a minimum:

(1) provide each sexual assault victim with factually accurate and unbiased written and oral medical information about prophylactic antibiotics for treatment of sexually transmitted diseases;

(2) orally inform each sexual assault victim of the option of being provided prophylactic antibiotics for treatment of sexually transmitted diseases at the hospital; and

(3) immediately provide prophylactic antibiotics for treatment of sexually transmitted diseases to each sexual assault victim who requests it provided it is not medically contraindicated and is ordered by a legal prescriber.

Sec. 4. **[145.4713] COMPLAINTS.**

The commissioner shall accept and investigate complaints regarding hospital compliance with section 145.4712. The commissioner shall periodically determine whether hospitals are in compliance with section 145.4712. Failure to comply with section 145.4712 may be grounds for the suspension or revocation of a hospital's license under section 144.55, subdivision 6.