

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

718L0599

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 168** - 02/09/2005

Introduced by: Senators Adelstein, Broderick, Knudson, Nesselhuf, and Two Bulls and Representatives Murschel, Bradford, Elliott, Halverson, Thompson, Valandra, and Van Norman

1 FOR AN ACT ENTITLED, An Act to ensure appropriate emergency health care for certain rape
2 survivors and to require health care facilities and the Department of Health to provide
3 information to certain rape survivors.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Terms used in this Act mean:

- 6 (1) "Emergency contraception," any drug or device approved by the Food and Drug
7 Administration that can prevent pregnancy after sex;
- 8 (2) "Emergency care," any medical examination or treatment provided by a health care
9 facility to a rape survivor following an alleged rape;
- 10 (3) "Medically and factually accurate and objective," verified or supported by the weight
11 of research conducted in compliance with accepted scientific methods and either: (1)
12 published in peer-reviewed journals; or (2) comprising information that leading
13 professional organizations and agencies with relevant expertise in the field recognize
14 as accurate and objective;



1 (4) "Rape," as defined in § 22-22-1;

2 (5) "Rape survivor," any female person who alleges or is alleged to have been raped and
3 who presents as a patient.

4 Section 2. Every health care facility providing emergency treatment to a rape survivor shall
5 promptly:

6 (1) Provide such survivor with medically and factually accurate and objective written
7 and oral information pursuant to section 3 of this Act, relating to emergency
8 contraception;

9 (2) Orally inform such survivor of the availability of emergency contraception, its use
10 and efficacy; and

11 (3) Provide to such survivor:

12 (a) Emergency contraception upon her request, if medically necessary; or

13 (b) A prescription for the medication if it can be confirmed that there is a
14 pharmacy open and able to meet this need within seventy-two hours of the
15 rape; or

16 (c) A referral to a physician or a clinic where the patient can receive emergency
17 contraception within seventy-two hours of the rape.

18 Any religiously affiliated health care facility is exempt from subdivision (3) of this section.

19 No health care facility is required to provide emergency contraception to a pregnant woman.

20 Section 3. The Department of Health shall develop, prepare, and produce informational
21 materials relating to emergency contraception for distribution to and use in all health care
22 facilities in the state, in quantities sufficient to comply with the requirements of this Act. The
23 Department of Health may also approve informational materials from medically recognized
24 sources for the purposes of this Act. Such informational material shall be in clear and concise

1 language, readily comprehensible, in such varieties and forms as the Department of Health
2 deems necessary to inform rape survivors in English and languages other than English. Such
3 materials shall explain the nature of emergency contraception including its use, safety, efficacy,
4 and availability.

5 Section 4. The Department of Health shall respond to complaints and shall periodically
6 determine whether health care facilities are complying with this Act.