

Mainstreaming Access to Emergency Contraception for Rape Victims

*A collaborative project of Family Planning Advocates of NYS,
Duvall Project of the ACLU of PA and
National Sexual Violence Resource Center*

State-by-State Analysis of EC in ER Legislation

State/Bill Number	Date introduced	Bill Status	Required Provision	Referral Option	Information Only	Enforcement	Hospital Training
Arizona SB 1480 HB 2250	1/05	Pending	NO	YES	NO	NO	NO
Arkansas HB 2782	3/05	Pending	NO	YES	NO	YES	YES
California A 1860	1/31/02	Enacted	YES	NO	NO	NO	NO
Colorado* HB 1042	1/05	Governor vetoed 4/05	NO	YES	NO	NO	YES
Hawaii HB 1240 SB 1305	1/05	Pending	YES	NO	NO	YES	YES
Illinois* S 114	2/1/01	Enacted	NO	NO	YES	NO	NO
Massachusetts HB 1643 SB 2073	3/05	Enacted	YES	NO	NO	NO	YES
Minnesota HB 1022 SB 989	2/14/05 2/16/05	Pending	YES	NO	NO	YES	NO
Missouri SB 379	2/17/05	Pending	YES	NO	NO	YES	YES
New Jersey A 2698 S 1688	5/6/04 6/10/04	Enacted 3/05	YES	NO	NO	YES	YES
New Mexico H 119	1/03	Enacted	YES	NO	NO	YES	YES
New York A 15 S 202	1/8/03	Enacted	YES	NO	NO	NO	NO
South Dakota* SB 168	1/05	Pending	NO	YES	NO	NO	NO
Tennessee HB 865 SB 1670	2/05	Pending	YES	NO	NO	YES	YES
Texas* HB 676 SB 389	1/05	Pending	NO	NO	NO	NO	NO
Washington S 6537	1/21/02	Enacted	YES	NO	NO	YES	NO
West Virginia H 2203	2/11/05	Pending	YES	NO	NO	YES	YES
Wisconsin	3/9/05	Pending	YES	NO	NO	YES	YES

*Colorado - Dispenses EC but allows for referral option based on religious tenets; “encourages” facilities to train ER personnel about EC

*Illinois - Mandates referral of patient to another provider, since bill does not mandate on site provision of EC

*South Dakota – Provide upon request, or a prescription, or a referral is given; bill did not pass Senate on 2/15/05

*Texas – Mandates providing information and if requested a prescription for EC

Note:

- In 2003, **Oregon** signed a bill establishing the “Sexual Assault Victims’ Emergency Medical Response Fund” that pays for the costs of complete medical assessments for sexual assault victims, including offering and providing EC.
- A 1997 **South Carolina** sexual assault treatment law requires that medicolegal exams “...must include medication for pregnancy prevention if indicated and if desired.”

Year Introduced: The date in which the bill was introduced.

Bill Status: The position of the bill within the legislature.

Required Provision: Mandated hospital provision that includes the following:

- 1) Provide each sexual assault victim with medically & factually accurate & unbiased written & oral information about EC.
- 2) Orally inform each sexual assault victim of her option to receive emergency contraception at the hospital.
- 3) Provide emergency contraception immediately at the hospital to each sexual assault victim who requests it.

Referral Option: Bill provides hospitals the option to refer a patient to another provider if the hospital does not dispense EC.

Information Only: The hospital must inform patient about EC and present the patient her options, but is not obligated to provide emergency contraceptives.

Enforcement: The state shall oversee hospitals and impose any fines if victim is denied care.

Hospital Training: Hospitals shall ensure that employees providing care to rape victims have been trained to provide medically and factually accurate and unbiased information about emergency contraception.

The above criteria are based on information written specifically in the legislation. Updated September 2005.

Questions? Contact: Jessica Fisher, jessica@fpaofnys.org