

BILL ANALYSIS

Senate Research Center
79R2111 EMT-F

S.B. 389
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Health and Human Services
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, rape victims are able to access emergency contraception in some hospital settings, some of the time, but that access is widely inconsistent and is not guaranteed. It is likely that a victim's access to emergency contraception will depend on who is on staff at the time she walks in the door. In addition, rape victims in some areas must seek emergency contraception at a location outside of the emergency room, and this extra step precludes victims from accessing the emergency contraception during the short time frame in which it is effective.

In a study conducted by Access Texas, 67 percent of surveyed hospitals do not provide emergency contraception to sexual assault survivors in their emergency rooms. Victims of sexual assault need to have access to emergency contraception as soon as possible, as it must be taken within 72 hours for it to be effective. As proposed, S.B. 389 requires health care facilities to develop a form for sexual assault survivors that provides information regarding emergency contraception, and to provide a prescription for emergency contraception if requested by the survivor and if medically appropriate.

A sexual assault is a traumatic physical and psychological event. Fear of pregnancy is one of the most common fears of both women and adolescent girls following a rape. If a woman who has been sexually assaulted wants to ensure that a pregnancy will not result from the assault, emergency contraception should be provided to her as the least invasive and safest method of preventing a pregnancy.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle G, Title 4, Health and Safety Code, by adding Chapter 322, as follows:

CHAPTER 322. EMERGENCY SERVICES FOR SURVIVORS OF SEXUAL ASSAULT

Sec. 322.001. DEFINITIONS. Defines "health care facility," "sexual assault," and "sexual assault survivor."

Sec. 322.002. INFORMATION FORM. (a) Requires each health care facility to develop an information form for sexual assault survivors that includes information regarding emergency contraception.

(b) Requires emergency contraception information contained in the form to be medically and factually accurate and unbiased. Authorizes a health care facility to use certain appropriate medical organizations and associations as resources in developing the form.

(c) Requires the information form to be published in an easily comprehensible form and in a typeface large enough to be clearly legible.

(d) Requires the governing body or other managing authority of a health care facility to annually review the information form to determine if changes to the contents of the form are necessary.

Sec. 322.003. EMERGENCY SERVICES RELATING TO EMERGENCY CONTRACEPTION. Requires a health care facility to take certain steps after a survivor of sexual assault arrives at that facility for emergency care following an alleged sexual assault.

SECTION 2. Effective date: September 1, 2005.