

1 to any woman who has been sexually assaulted so that she may prevent an unintended
2 pregnancy; Now, therefore,

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Part 3A of Article 11 of Chapter 143B of the General Statutes
5 is amended by adding a new section to read:

6 **"§ 143B-480.4. Emergency care for victims of sexual assault; definitions.**

7 (a) Every hospital and urgent care facility in this State that provides emergency
8 care for victims of sexual assault shall as the standard of care do the following:

9 (1) Provide the sexual assault victim with medically and factually accurate
10 and objective written and oral information about emergency
11 contraception, including information explaining that:

12 a. Emergency contraception does not cause abortion, and

13 b. Emergency contraception is effective in most cases in
14 preventing pregnancy after unprotected sexual intercourse.

15 (2) Provide the sexual assault victim with oral and written information
16 about her option to be provided emergency contraception at the
17 hospital or urgent care facility.

18 (3) Provide emergency contraception at the hospital or urgent care facility
19 to each sexual assault victim who requests it, unless in the opinion of
20 the attending physician or other health care provider, the emergency
21 contraception is contraindicated for the patient.

22 A hospital or urgent care facility may not refuse to provide emergency contraception
23 on the basis of the sexual assault victim's inability to pay for the emergency
24 contraception.

25 (b) The provision of emergency contraceptive pills shall include the initial dose
26 that the sexual assault victim can take at the hospital or urgent care facility as well as
27 the additional or follow-up dose that the sexual assault victim may self-administer.

28 (c) Hospitals and urgent care facilities shall ensure that all personnel providing
29 care to sexual assault victims are trained to provide medically and factually accurate and
30 objective information about emergency contraception.

31 (d) The Department of Health and Human Services, in collaboration with the
32 Director of the Office of Women's Health, the North Carolina Coalition Against Sexual
33 Assault, and the Sexual Assault Nurse Examiner program, shall develop and produce, in
34 quantities sufficient to comply with the purposes of this act, written information relating
35 to emergency contraception for the prevention of pregnancy in sexual assault victims.

36 The information shall be clearly written and readily comprehensible in a culturally
37 competent manner, as the Department of Health and Human Services, in collaboration
38 with the Director of the Office of Women's Health, the North Carolina Coalition
39 Against Sexual Assault, and the Sexual Assault Nurse Examiner program, deems
40 necessary to inform a sexual assault victim about emergency contraception. The
41 information shall explain the nature of emergency contraception, the effectiveness of
42 emergency contraception in preventing pregnancy, where emergency contraception can
43 be obtained, and treatment options.

1 (e) As provided in G.S. 143B-480.2(d), the hospital may be reimbursed in full for
2 the cost of providing emergency contraception.

3 (f) With the exception of assistance authorized under subsection (g) of this
4 section, assistance for expenses authorized under this section is to be paid directly to
5 any hospital, ambulance service, attending physicians, or mental health professionals
6 providing counseling, upon the filing of proper forms. Payment for the full
7 out-of-pocket cost of the forensic medical examination shall be paid to the provider no
8 later than 90 days after receiving the required written notification of the victim's
9 expense.

10 (g) An individual may file a complaint with the Department alleging failure on
11 the part of the hospital or urgent care facility to provide services required by this
12 section. The Department shall immediately investigate the complaint to determine the
13 action to be taken. If the Department finds that a hospital failed to provide the services
14 required under this section, the Department shall:

15 (1) Issue a written warning to the hospital or urgent care facility that a
16 complaint has been filed alleging that the hospital or urgent care
17 facility is not providing the services required by this section.

18 (2) Based on the Department's findings, require the hospital to correct the
19 deficiency leading to the complaint.

20 If after issuance of the written warning required by this section, the Department
21 finds that the hospital or urgent care facility has failed to provide services, the
22 Department shall, for the second and subsequent substantiated complaints, impose a
23 penalty on the hospital or urgent care facility in the amount of one thousand dollars
24 (\$1,000) per sexual assault victim who was denied services under this section. Penalties
25 imposed under this section shall be paid to the Department and used by the Department
26 only to defray a part of the costs for providing the information required by subsection
27 (d) of this section.

28 The Department shall adopt rules for the investigation of complaints and imposition
29 of penalties under this section. A hospital or urgent care facility may appeal the
30 Department's finding pursuant to Chapter 150B of the General Statutes.

31 (h) As used in this section, unless the context clearly requires otherwise:

32 (1) "Emergency care" means medical examinations, procedures, and
33 services provided by a hospital or urgent care facility to a sexual
34 assault victim following an alleged sexual assault.

35 (2) "Emergency contraception" means a drug, drug regimen, or device that
36 is:

37 a. Approved by the United States Food and Drug Administration
38 to prevent pregnancy; and

39 b. Used postcoitally.

40 (3) "Medically and factually accurate and objective" means verified or
41 supported by the weight of research conducted in compliance with
42 accepted scientific methods and standards; published in peer-reviewed
43 journals; and recognized as accurate and objective by leading
44 professional organizations and agencies with relevant expertise in the

- 1 field of obstetrics and gynecology, such as the American College of
2 Obstetricians and Gynecologists.
3 (4) "Sexual assault" means the crime of rape or any sexual offense that
4 involves vaginal intercourse.
5 (5) "Sexual assault victim" means:
6 a. Any woman who arrives at the hospital or urgent care facility
7 and alleges that she is the victim of sexual assault, or is
8 accompanied by someone who alleges that she is the victim of
9 sexual assault; and
10 b. Any woman who arrives at a hospital or urgent care facility
11 who the agents of the hospital or urgent care facility personnel
12 have reason to believe is a victim of sexual assault."
13 **SECTION 2.** This act becomes effective October 1, 2007.