
By: **Delegates Kagan, Rosenberg, Crouse, Pendergrass, Mandel, Stern,
Grosfeld, Frush, Bronrott, Montague, Hubbard, Carlson, Goldwater,
Barkley, Griffith, A. Jones, Zirkin, Morhaim, Dobson, Sher, Hecht,
Gladden, Menes, Moe, Phillips, and R. Baker**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Care for Survivors of Rape**

3 FOR the purpose of requiring a hospital that provides emergency care to a rape
4 survivor to develop a certain protocol that ensures a rape survivor gets certain
5 written and oral information about emergency contraception; requiring the
6 Department of Health and Mental Hygiene to approve the protocol under
7 certain circumstances; requiring the hospital to implement the protocol upon
8 approval; requiring the Department to adopt certain regulations; and generally
9 relating to hospitals providing emergency care to a rape survivor.

10 BY adding to

11 Article - Health - General

12 Section 20-701 to be under the new subtitle "Subtitle 7. Emergency Care for
13 Survivors of Rape"

14 Annotated Code of Maryland

15 (2000 Replacement Volume and 2001 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Health - General**

19 **SUBTITLE 7. EMERGENCY CARE FOR SURVIVORS OF RAPE.**

20 20-701.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "EMERGENCY CARE TO A RAPE SURVIVOR" MEANS MEDICAL
24 EXAMINATIONS, PROCEDURES, AND SERVICES PROVIDED TO A RAPE SURVIVOR BY A
25 HOSPITAL LICENSED UNDER THIS ARTICLE.

1 (3) "EMERGENCY CONTRACEPTION" MEANS ANY DRUG OR
2 CONTRACEPTIVE DEVICE APPROVED BY THE FEDERAL DRUG ADMINISTRATION TO
3 PREVENT PREGNANCY AFTER SEXUAL INTERCOURSE.

4 (4) "INCEST" MEANS AN OFFENSE DESCRIBED IN § 3-321 OF THE
5 CRIMINAL LAW ARTICLE.

6 (5) "RAPE" MEANS AN OFFENSE DESCRIBED IN § 3-303 OR § 3-304 OF THE
7 CRIMINAL LAW ARTICLE.

8 (6) "RAPE SURVIVOR" MEANS AN INDIVIDUAL WHO ALLEGES OR IS
9 ALLEGED TO HAVE BEEN A VICTIM OF RAPE OR INCEST AND BECAUSE OF THE
10 ALLEGED OFFENSE SEEKS TREATMENT AS A PATIENT.

11 (B) ON OR BEFORE JANUARY 1, 2003, A HOSPITAL PROVIDING EMERGENCY
12 CARE TO A RAPE SURVIVOR SHALL DEVELOP A PROTOCOL THAT ENSURES THAT
13 EACH RAPE SURVIVOR REQUESTING EMERGENCY CARE RECEIVES MEDICALLY AND
14 FACTUALLY ACCURATE WRITTEN AND ORAL INFORMATION ABOUT:

15 (1) EMERGENCY CONTRACEPTION;

16 (2) THE INDICATIONS, CONTRAINDICATIONS, AND RISKS ASSOCIATED
17 WITH THE USE OF EMERGENCY CONTRACEPTION; AND

18 (3) THE CIRCUMSTANCES UNDER WHICH SEXUAL ASSAULT SURVIVORS
19 MAY BE PROVIDED EMERGENCY CONTRACEPTION.

20 (C) THE DEPARTMENT SHALL APPROVE THE PROTOCOL IF IT FINDS THAT THE
21 IMPLEMENTATION OF THE PROTOCOL WOULD PROVIDE SUFFICIENT PROTECTION
22 FOR RAPE SURVIVORS.

23 (D) THE HOSPITAL SHALL IMPLEMENT THE PROTOCOL UPON APPROVAL OF
24 THE PROTOCOL BY THE DEPARTMENT.

25 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM
26 ACCEPTABLE STANDARDS FOR PROTOCOLS REQUIRED UNDER SUBSECTION (B) OF
27 THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2002.