

As Introduced

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Representative Stewart

**Cosponsors: Representatives Celeste, Koziura, Harris, Foley, Yuko, Letson,
Garland, Hagan, Chandler, Slesnick, Weddington, Boyd**

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A B I L L

To enact sections 3727.60, 3727.601, and 3727.602 of 1
the Revised Code to establish the Compassionate 2
Assistance for Rape Emergencies Act regarding 3
emergency services provided to victims of sexual 4
assault. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3727.60, 3727.601, and 3727.602 of 6
the Revised Code be enacted to read as follows: 7

Sec. 3727.60. As used in this section and sections 3727.601 8
and 3727.602 of the Revised Code: 9

(A) "Drug" has the same meaning as in the "Federal Food, 10
Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 11
321(g)(1), as amended. 12

(B) "Device" has the same meaning as in the "Federal Food, 13
Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 14
321(h), as amended. 15

(C) "Emergency contraception" means any drug or device 16
intended to prevent pregnancy after unprotected sexual intercourse 17

or contraceptive failure. 18

(D) "Sexual assault" means a violation of sections 2907.02 to 19
2907.06 of the Revised Code. 20

Sec. 3727.601. (A) It shall be the standard of care in this 21
state for hospitals that offer organized emergency services to 22
provide the services specified in division (B) of this section to 23
victims of sexual assault or individuals believed to be victims of 24
sexual assault. The services shall be provided without regard to 25
the victim's ability to pay for the services. 26

(B)(1) The hospital shall provide the victim or individual 27
believed to be a victim with information about emergency 28
contraception. The information shall be medically and factually 29
accurate and unbiased. It shall be provided in clear and concise 30
language in both written and oral formats. The information shall 31
explain the following: 32

(a) That emergency contraception has been approved by the 33
United States food and drug administration for use by women of all 34
ages with a prescription and as an over-the-counter medication for 35
women eighteen years of age or older as a safe and effective means 36
to prevent pregnancy after unprotected sexual intercourse or 37
contraceptive failure if taken in a timely manner; 38

(b) That emergency contraception is more effective the sooner 39
it is taken following unprotected sexual intercourse or 40
contraceptive failure; 41

(c) That emergency contraception does not cause an abortion 42
and studies have shown that it does not interrupt an established 43
pregnancy. 44

(2) The hospital shall promptly offer emergency contraception 45
to the victim or individual believed to be a victim and provide 46
the emergency contraception if the victim or individual accepts 47

the offer. 48

(3) The hospital shall promptly provide the victim or 49
individual believed to be a victim with an assessment of the 50
victim's or individual's risk of contracting sexually transmitted 51
diseases, including gonorrhea, chlamydia, syphilis, and 52
hepatitis. The assessment shall be conducted by a physician, 53
physician assistant, clinical nurse specialist, certified nurse 54
practitioner, or a certified nurse-midwife. The assessment shall 55
be based on the following: 56

(a) The available information regarding the sexual assault. 57

(b) The established standards of risk assessment, including 58
consideration of any recommendations established by the United 59
States centers for disease control and prevention, peer-reviewed 60
clinical studies, and appropriate research using invitro and 61
nonhuman primate models of infection. 62

(4) After conducting the assessment, the hospital shall 63
provide the victim or individual believed to be a victim with 64
counseling concerning the significantly prevalent sexually 65
transmitted diseases for which effective post-exposure treatment 66
exists and for which deferral of treatment would either 67
significantly reduce treatment efficacy or pose substantial risk 68
to the victim's health, including the diseases for which 69
prophylactic treatment is recommended based on guidelines from the 70
centers for disease control and prevention. The counseling shall 71
be provided by a physician, physician assistant, clinical nurse 72
specialist, certified nurse practitioner, or certified 73
nurse-midwife. The counseling shall be provided in clear and 74
concise language. 75

(5) After providing the counseling, the hospital shall offer 76
treatment for sexually transmitted diseases to the victim or 77
individual believed to be a victim. The hospital shall provide the 78

treatment if the victim or individual accepts the offer. 79

(6) Before the victim or individual believed to be a victim 80
leaves the hospital, the hospital shall provide the victim or 81
individual with counseling on the physical and mental health 82
benefits of seeking follow-up care from the victim's or 83
individual's primary care physician or from another medical care 84
provider capable of providing follow-up care to victims of sexual 85
assault. The counseling shall include information on local 86
organizations and relevant health providers capable of providing 87
either follow-up medical care or other health services to victims 88
of sexual assault. The counseling shall be provided by a 89
physician, physician assistant, clinical nurse specialist, 90
certified nurse practitioner, or certified nurse-midwife. The 91
counseling shall be provided in clear and concise language. 92

(C) In the case of minors, the services specified in this 93
section shall be provided at the discretion of the treating 94
physician and in accordance with the guidelines of the centers for 95
disease control and prevention. 96

Notwithstanding any other provision of law, a minor may 97
consent to the services specified in this section. The consent is 98
not subject to disaffirmance because of minority, and consent of 99
the parent, parents, or guardian of the minor is not required for 100
the services to be provided. The parent, parents, or guardian of a 101
minor giving consent under this section are not liable for payment 102
for any services provided under this section without their 103
consent. 104

(D) Nothing in this section shall be construed to mean the 105
following: 106

(1) That a hospital is required to provide treatment to a 107
victim of sexual assault if the treatment goes against 108
recommendations established by the United States centers for 109

disease control and prevention; 110

(2) That a victim is required to submit to any testing or 111
treatment; 112

(3) That a hospital is prohibited from seeking reimbursement 113
for the costs of services provided under this section from the 114
victim's health insurance or medicaid, if applicable, and to the 115
extent permitted by section 2907.28 of the Revised Code. 116

Sec. 3727.602. In addition to other remedies under common 117
law, an individual may file a complaint with the department of 118
health if the individual believes a hospital has failed to comply 119
with the requirements of section 3727.601 of the Revised Code. The 120
department shall investigate the complaint in a timely manner. 121

If the department determines that a hospital has failed to 122
provide the care or services required in section 3727.601 of the 123
Revised Code to a sexual assault victim, the department shall, 124
pursuant to an adjudication under Chapter 119. of the Revised 125
Code, impose a civil penalty of not less than ten thousand dollars 126
for each violation. 127

If the hospital has previously violated section 3727.601 of 128
the Revised Code, the department may ask the attorney general to 129
bring an action for injunctive relief in any court of competent 130
jurisdiction. On the filing of an appropriate petition in the 131
court, the court shall conduct a hearing on the petition. If it is 132
demonstrated in the proceedings that the hospital has failed to 133
provide the care or services, the court shall grant a temporary or 134
permanent injunction enjoining the hospital's operation. 135

Section 2. This act shall be known as the "Compassionate 136
Assistance for Rape Emergencies Act." 137