

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 07-060

BY SENATOR(S) Boyd, Bacon, Fitz-Gerald, Groff, Isgar, Keller, Morse, Romer, Schwartz, Shaffer, Tochtrop, Tupa, Veiga, Williams, and Windels; also REPRESENTATIVE(S) McGihon, Borodkin, Buescher, Butcher, Carroll M., Carroll T., Casso, Cerbo, Curry, Fischer, Garcia, Gibbs, Green, Hodge, Jahn, Kefalas, Kerr A., Labuda, Levy, Marshall, McFadyen, Merrifield, Peniston, Pommer, Primavera, Rice, Riesberg, Roberts, Romanoff, Solano, Todd, and White.

CONCERNING THE AVAILABILITY OF EMERGENCY CONTRACEPTION TO A SURVIVOR OF A SEXUAL ASSAULT.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds that:

(a) One of every six women in the United States and one of every four women in Colorado will be the victim of a sexual assault;

(b) Forty-four percent of the victims of a sexual assault are under eighteen years of age, and eighty percent of the victims of a sexual assault are under thirty years of age;

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(c) It is estimated that sixty percent of all sexual assaults are not reported;

(d) A woman who is the survivor of a sexual assault may face the additional trauma of an unwanted pregnancy or the fear that pregnancy may result;

(e) Each year, between twenty-five thousand and thirty-two thousand women in the United States become pregnant as a result of sexual assaults, and approximately twenty-two thousand of these pregnancies could be prevented if these women used emergency contraception.

(2) The general assembly further finds that:

(a) Standards of emergency care established by the American College of Emergency Medicine and the American Medical Association require that sexual assault survivors be counseled about their risk of pregnancy and offered emergency contraception;

(b) The "National Protocol for Sexual Assault Medical Forensic Examinations", issued by the United States Department of Justice Office on Violence Against Women, recognizes pregnancy as an "often overwhelming and genuine fear" of sexual assault survivors and recommends that health care providers "therefore discuss treatment options with patients, including reproductive health services";

(c) The federal Food and Drug Administration has declared emergency contraception to be safe and effective in preventing unintended pregnancy and has approved over-the-counter access to the medication for women over eighteen years of age;

(d) Emergency contraception is designed to prevent pregnancy if taken within one hundred twenty hours after unprotected sexual intercourse, but it is most effective if taken within twenty-four hours after unprotected sexual intercourse;

(e) A survey of Colorado hospitals found that there are inconsistent policies and practices for dispensing emergency contraception and providing education to sexual assault survivors;

(f) Because emergency contraception is time-sensitive and a sexual assault survivor may have delayed seeking hospital treatment, it is critical that she be informed of this option at the time of her treatment.

(3) The general assembly declares that the purpose of this act is to promote awareness of the availability of emergency contraception for sexual assault survivors as a compassionate response to their traumas. The general assembly further declares that the purpose of this act is to reduce the number of unintended pregnancies and induced abortions that result from sexual assault.

**SECTION 2.** Part 1 of article 3 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25-3-110. Emergency contraception - definitions.** (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY CONTRACEPTION" MEANS A DRUG APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT PREVENTS PREGNANCY AFTER SEXUAL INTERCOURSE, INCLUDING BUT NOT LIMITED TO ORAL CONTRACEPTIVE PILLS; EXCEPT THAT "EMERGENCY CONTRACEPTION" SHALL NOT INCLUDE RU-486, MIFEPRISTONE, OR ANY OTHER DRUG OR DEVICE THAT INDUCES A MEDICAL ABORTION.

(b) "SEXUAL ASSAULT SURVIVOR" SHALL HAVE THE SAME MEANING AS "VICTIM" AS DEFINED IN SECTION 18-3-401 (7), C.R.S.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL HEALTH CARE FACILITIES THAT ARE LICENSED PURSUANT TO THIS PART 1 AND PROVIDE EMERGENCY CARE TO SEXUAL ASSAULT SURVIVORS SHALL AMEND THEIR EVIDENCE-COLLECTION PROTOCOLS FOR THE TREATMENT OF SEXUAL ASSAULT SURVIVORS TO INCLUDE INFORMING THE SURVIVOR IN A TIMELY MANNER OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION AS A MEANS OF PREGNANCY PROPHYLAXIS AND EDUCATING THE SURVIVOR ON THE PROPER USE OF EMERGENCY CONTRACEPTION AND THE APPROPRIATE FOLLOW-UP CARE.

(3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE:

(a) A HEALTH CARE PROFESSIONAL WHO IS EMPLOYED BY A HEALTH

CARE FACILITY THAT PROVIDES EMERGENCY CARE TO A SEXUAL ASSAULT SURVIVOR TO INFORM THE SURVIVOR OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION IF THE PROFESSIONAL REFUSES TO PROVIDE THE INFORMATION ON THE BASIS OF RELIGIOUS OR MORAL BELIEFS; OR

(b) A HEALTH CARE FACILITY TO PROVIDE EMERGENCY CONTRACEPTION TO A SEXUAL ASSAULT SURVIVOR WHO IS NOT AT RISK OF BECOMING PREGNANT AS A RESULT OF THE SEXUAL ASSAULT OR WHO WAS ALREADY PREGNANT AT THE TIME OF THE ASSAULT.

(4) IF ANY LICENSED PHARMACY DOES NOT HAVE NONPRESCRIPTION EMERGENCY CONTRACEPTION IN STOCK, THE PHARMACY SHALL PLACE A CONSPICUOUS NOTICE IN THE AREA WHERE CUSTOMERS OBTAIN PRESCRIPTION DRUGS THAT STATES "PLAN B EMERGENCY CONTRACEPTION NOT AVAILABLE".

(5) THE GENERAL ASSEMBLY ENCOURAGES HEALTH CARE FACILITIES TO PROVIDE TRAINING TO EMERGENCY ROOM STAFF CONCERNING THE EFFICACY OF EMERGENCY CONTRACEPTION AND THE TIME-SENSITIVE NATURE OF THE DRUG.

(6) BECAUSE EMERGENCY CONTRACEPTION IS TIME-SENSITIVE AND A SEXUAL ASSAULT SURVIVOR MAY SEEK INFORMATION ON OR DIRECT ACCESS TO EMERGENCY CONTRACEPTION TO PREVENT AN UNINTENDED PREGNANCY RESULTING FROM THE ASSAULT INSTEAD OF OR PRIOR TO SEEKING HOSPITAL TREATMENT, IT IS CRITICAL THAT SEXUAL ASSAULT SURVIVORS HAVE ACCURATE INFORMATION ABOUT THE AVAILABILITY AND USE OF EMERGENCY CONTRACEPTION. THEREFORE, THE GENERAL ASSEMBLY ENCOURAGES:

(a) ENTITIES OFFERING VICTIM ASSISTANCE OR COUNSELING AND RAPE CRISIS HOTLINES TO INCLUDE INFORMATION CONCERNING THE AVAILABILITY AND USE OF EMERGENCY CONTRACEPTION; AND

(b) LICENSED OR REGISTERED PHARMACIES IN THE STATE OF COLORADO TO DISTRIBUTE INFORMATION CONCERNING THE AVAILABILITY AND USE OF EMERGENCY CONTRACEPTION.

**SECTION 3. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Joan Fitz-Gerald  
PRESIDENT OF  
THE SENATE

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Andrew Romanoff  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO