



2007 ASSEMBLY BILL 377

May 31, 2007 - Introduced by Representatives MUSSER, POCAN, WOOD, KAUFERT, RICHARDS, HILGENBERG, HINTZ, MOLEPSKE, WASSERMAN, KREUSER, HEBL, SOLETSKI, TOLES, BENEDICT, BERCEAU, BLACK, BOYLE, GRIGSBY, HRAYCHUCK, KESSLER, PARISI, POPE-ROBERTS, SEIDEL, SHERIDAN, SHERMAN, SHILLING, SINICKI, SMITH, TRAVIS, TURNER, VRUWINK, YOUNG and ZEPNICK, cosponsored by Senators ROBSON, TAYLOR, MILLER, PLALE, RISSER, ERPENBACH, LEHMAN, WIRCH, HANSEN, JAUCH, CARPENTER, KREITLOW, COGGS, LASSA and SULLIVAN. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to renumber* 50.38 (1); *to amend* 50.38 (2); and *to create* 50.375 and
2 50.38 (1) (b) of the statutes; **relating to:** requiring a hospital to provide to a
3 sexual assault victim information and, upon her request, emergency
4 contraception and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) issues certificates of approval to hospitals that meet DHFS requirements and otherwise regulates approved hospitals.

This bill requires a hospital to do all of the following if it provides emergency services to a victim, as defined in the bill, of sexual assault: 1) provide her with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; 2) orally inform her of her option to receive emergency contraception, her option to report the sexual assault to a law enforcement agency, and any available options for her to receive an examination to gather evidence regarding the sexual assault; and 3) immediately provide emergency contraception to her upon her request. If the medication is taken in more than one dosage, the hospital shall provide all subsequent dosages to the victim for later self administration. "Emergency contraception" is defined in the bill to be a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device that is approved by the federal Food and Drug Administration and that prevents a pregnancy after sexual intercourse. The definition of "emergency contraception" specifically excludes a drug, medicine, oral hormonal compound,

ASSEMBLY BILL 377

mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a woman. No hospital must provide emergency contraception to a victim who is pregnant, as indicated by a test for pregnancy.

The bill also requires a hospital that provides emergency care to ensure that each hospital employee who provides care to a victim of sexual assault has available medically and factually accurate and unbiased information about emergency contraception. DHFS must respond to complaints about violations of these requirements and must periodically review procedures of hospitals to determine whether they are in compliance. Violators of the requirements are subject to forfeitures.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 50.375 of the statutes is created to read:

2 **50.375 Emergency contraception for sexual assault victims.** (1) In this
3 section:

4 (a) “Emergency contraception” means a drug, medicine, oral hormonal
5 compound, mixture, preparation, instrument, article, or device that is approved by
6 the federal food and drug administration and that prevents a pregnancy after sexual
7 intercourse. “Emergency contraception” does not include a drug, medicine, oral
8 hormonal compound, mixture, preparation, instrument, article, or device of any
9 nature that is prescribed to terminate the pregnancy of a female.

10 (b) “Sexual assault” means a violation of s. 940.225 (1), (2), or (3).

11 (c) “Victim” means a female who alleges or for whom it is alleged that she
12 suffered sexual assault and who, as a result of the sexual assault, presents as a
13 patient at a hospital that provides emergency services.

14 **(2)** A hospital that provides emergency services to a victim shall do all of the
15 following:

ASSEMBLY BILL 377

1 (a) Provide to the victim medically and factually accurate and unbiased written
2 and oral information about emergency contraception and its use and efficacy.

3 (b) Orally inform the victim of all of the following:

4 1. Her option to receive emergency contraception at the hospital.

5 2. Her option to report the sexual assault to a law enforcement agency.

6 3. Any available options for her to receive an examination to gather evidence
7 regarding the sexual assault.

8 (c) Except as specified in sub. (4), immediately provide to the victim upon her
9 request emergency contraception, in accordance with instructions approved by the
10 federal food and drug administration. If the medication is taken in more than one
11 dosage, the hospital shall provide all subsequent dosages to the victim for later self
12 administration.

13 **(3)** A hospital that provides emergency care shall ensure that each hospital
14 employee who provides care to a victim has available medically and factually
15 accurate and unbiased information about emergency contraception.

16 **(4)** No hospital may be required to provide emergency contraception to a victim
17 who is pregnant, as indicated by a test for pregnancy.

18 **(5)** The department shall respond to any complaint received by the department
19 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
20 and shall periodically review hospital procedures to determine whether a hospital
21 is in compliance with the requirements.

22 **SECTION 2.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

23 **SECTION 3.** 50.38 (1) (b) of the statutes is created to read:

24 50.38 **(1)** (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
25 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation.

