

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

961N0637

SENATE ENGROSSED NO. **SB 187** - 02/13/2007

Introduced by: Senators Nesselhuf, Abdallah, Heidepriem, Jerstad, Katus, Knudson, McCracken, Napoli, and Olson (Ed) and Representatives Halverson, Ahlers, Cutler, Elliott, Engels, Feinstein, Hills, Kirkeby, Lucas, McLaughlin, Nygaard, Street, Thompson, and Van Norman

1 FOR AN ACT ENTITLED, An Act to provide for appropriate emergency health care for rape
2 survivors and to require health care facilities and the Department of Health to provide
3 information to rape survivors.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Terms used in this Act mean:

- 6 (1) "Emergency contraception," any drug or device approved by the Food and Drug
7 Administration that can prevent pregnancy after sex;
- 8 (2) "Emergency care," any medical examination or treatment provided by a health care
9 facility to a rape survivor following an alleged rape;
- 10 (3) "Medically and factually accurate and objective," verified or supported by the weight
11 of research conducted in compliance with accepted scientific methods and either:
12 published in peer-reviewed journals; or comprising information that leading
13 professional organizations and agencies with relevant expertise in the field recognize
14 as accurate and objective;



1 (4) "Rape," as defined in § 22-22-1;

2 (5) "Rape survivor" or "survivor," any female person who alleges or is alleged to have
3 been raped and who presents as a patient;

4 (6) "Health care facility," any health care facility as defined in § 34-12-1.1.

5 Section 2. Every health care facility providing emergency care to a rape survivor shall
6 promptly provide such survivor with medically and factually accurate and objective written and
7 oral information pursuant to section 3 of this Act, relating to emergency contraception.

8 No health care facility is required to provide emergency contraception to a woman. Nothing
9 in this Act prevents a health care facility from providing emergency contraception or a
10 prescription for emergency contraception to a woman.

11 Section 3. The Department of Health shall develop, prepare, and produce medically and
12 factually accurate and objective informational materials relating to emergency contraception for
13 distribution to and use in all health care facilities in the state, in quantities sufficient to comply
14 with the requirements of this Act. The Department of Health may also approve informational
15 materials from medically recognized sources for the purposes of this Act. Such informational
16 material shall be in clear and concise language, readily comprehensible, in such varieties and
17 forms as the Department of Health deems necessary to inform rape survivors in English and
18 languages other than English. Such materials shall explain the nature of emergency
19 contraception including its use, safety, efficacy, and availability and will conform to the Food
20 and Drug Administration's guidelines regarding emergency contraception.

21 Section 4. No health care facility, physician, nurse, or other person, is required to provide
22 such rape survivor with materials developed and approved pursuant to Section 3 if doing so is
23 contrary to the religious, moral, or ethical tenets of the health care facility, physician, nurse, or
24 other person.

1 Section 5. The Department of Health shall respond to complaints about noncompliance with
2 the provisions of this Act and shall periodically monitor or inspect to determine whether health
3 care facilities are complying with this Act.