

1 AN ACT in relation to public health.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Sexual Assault Survivors Emergency  
5 Treatment Act is amended by changing Section 5 and adding  
6 Section 10 as follows:

7 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

8 Sec. 5. Minimum requirements for hospitals providing  
9 emergency service to sexual assault survivors.

10 (a) Every hospital providing emergency hospital services  
11 to an alleged sexual assault survivor under this Act shall,  
12 as minimum requirements for such services, provide, with the  
13 consent of the alleged sexual assault survivor, and as  
14 ordered by the attending physician, the following:

15 (1) appropriate medical examinations and laboratory  
16 tests required to ensure the health, safety, and welfare  
17 of an alleged sexual assault survivor or which may be  
18 used as evidence in a criminal proceeding against a  
19 person accused of the sexual assault, or both; and  
20 records of the results of such examinations and tests  
21 shall be maintained by the hospital and made available to  
22 law enforcement officials upon the request of the alleged  
23 sexual assault survivor;

24 (2) appropriate oral and written information  
25 concerning the possibility of infection, sexually  
26 transmitted disease and pregnancy resulting from sexual  
27 assault;

28 (3) appropriate oral and written information  
29 concerning accepted medical procedures, medication, and  
30 possible contraindications of such medication available  
31 for the prevention or treatment of infection or disease

1 resulting from sexual assault;

2 (4) such medication as deemed appropriate by the  
3 attending physician;

4 (5) a blood test to determine the presence or  
5 absence of sexually transmitted disease;

6 (6) written and oral instructions indicating the  
7 need for a second blood test 6 weeks after the sexual  
8 assault to determine the presence or absence of sexually  
9 transmitted disease; and

10 (6.5) appropriate medically accurate non-biased  
11 oral and written information concerning accepted medical  
12 procedures for postcoital emergency contraception and  
13 medications approved by the federal Food and Drug  
14 Administration for use as postcoital emergency  
15 contraception;

16 (6.6) if requested by the survivor of an alleged  
17 sexual assault, medication approved by the federal Food  
18 and Drug Administration for use as postcoital emergency  
19 contraception unless contraindicated for medical reasons,  
20 unless a physician or health care provider exercises his  
21 or her rights under Section 10 of this Act; and

22 (7) appropriate counseling as determined by the  
23 hospital, by trained personnel designated by the  
24 hospital.

25 (b) Any minor who is an alleged survivor of sexual  
26 assault who seeks emergency services under this Act shall be  
27 provided such services without the consent of the parent,  
28 guardian or custodian of the minor.

29 (Source: P.A. 91-888, eff. 7-6-00.)

30 (410 ILCS 70/10 new)

31 Sec. 10. Right of conscience.

32 (a) No physician or health care provider shall be  
33 required to provide the treatment described in subdivision

1 (a)(6.6) of Section 5 of this Act if providing that  
2 treatment is contrary to the conscience of the physician or  
3 health care provider and the physician or health care  
4 provider (i) provides medically accurate non-biased written  
5 and oral information about emergency contraception and makes  
6 a notation in the patient's records that the information was  
7 provided; (ii) administers appropriate testing to  
8 conclusively determine that, in fact, providing the  
9 medication described in subdivision (a)(6.6) of Section 5  
10 would be contrary to the conscience of the physician or  
11 health care provider; and (iii) has made arrangements for  
12 appropriate referral with a physician, health care  
13 professional, or pharmacy that guarantees access to emergency  
14 contraception medication within 2 hours after treatment.

15 (b) As used in this Section, "conscience" means a  
16 sincerely held and articulated set of moral convictions  
17 arising from belief in and relation to God, or which, though  
18 not so derived, arises from a place in the life of its  
19 possessor parallel to that filled by God among adherents to  
20 religious faiths.

21 (c) The Department shall define "appropriate referral"  
22 by rule and shall require hospitals to include information  
23 regarding appropriate referral in the plan filed with the  
24 Department under Section 2. The physician, health care  
25 professional, or pharmacy who provides the medication is  
26 entitled to reimbursement under Section 7 of this Act.

27 (d) No physician or health care professional is relieved  
28 of any obligations under this Act unless he or she complies  
29 with this Section. This Section does not relieve the  
30 physician or health care provider of any other duty that may  
31 exist under any laws concerning current standards, normal  
32 medical practices, or procedures.

33 (e) This Section supersedes all other Acts or parts of  
34 Acts to the extent that any Acts or parts of Acts are

1 inconsistent with the terms or operation of this Act.

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.