

1 AN ACT in relation to emergency medical services.

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 2 and adding
6 Section 2.2 as follows:

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

8 Sec. 2. Hospitals to furnish emergency service. Every
9 hospital required to be licensed by the Department of Public
10 Health pursuant to the Hospital Licensing Act, approved July
11 1, 1953, as now or hereafter amended, which provides general
12 medical and surgical hospital services shall provide
13 emergency hospital service, in accordance with rules and
14 regulations adopted by the Department of Public Health, to
15 all alleged sexual assault survivors who apply for such
16 hospital emergency services in relation to injuries or trauma
17 resulting from the sexual assault.

18 In addition every such hospital, regardless of whether or
19 not a request is made for reimbursement, except hospitals
20 participating in community or area wide plans in compliance
21 with Section 4 of this Act, shall submit to the Department of
22 Public Health a plan to provide hospital emergency services
23 to alleged sexual assault survivors which shall be made
24 available by such hospital. Such plan shall be submitted
25 within 60 days of receipt of the Department's request for
26 this plan, to the Department of Public Health for approval
27 prior to such plan becoming effective. The Department of
28 Public Health shall approve such plan for emergency service
29 to alleged sexual assault survivors if it finds that the
30 implementation of the proposed plan would provide adequate
31 hospital emergency service for alleged sexual assault

1 survivors and provide sufficient protections from the risk of
2 pregnancy by sexual assault survivors.

3 The Department of Public Health shall periodically
4 conduct on site reviews of such approved plans with hospital
5 personnel to insure that the established procedures are being
6 followed.

7 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

8 (410 ILCS 70/2.2 new)

9 Sec. 2.2. Emergency contraception.

10 (a) The General Assembly finds:

11 (1) Crimes of sexual violence cause significant
12 physical, emotional, and psychological trauma to the
13 victims. This trauma is compounded by a victim's fear of
14 becoming pregnant and bearing a child as a result of the
15 sexual assault.

16 (2) Each year over 32,000 women become pregnant in
17 the United States as the result of rape and approximately
18 50% of these pregnancies end in abortion.

19 (3) As approved for use by the Federal Food and
20 Drug Administration (FDA), emergency contraception can
21 significantly reduce the risk of pregnancy if taken
22 within 72 hours after the sexual assault.

23 (4) By providing emergency contraception to rape
24 victims in a timely manner, the trauma of rape can be
25 significantly reduced.

26 (b) Within 120 days after the effective date of this
27 amendatory Act of the 92nd General Assembly, every hospital
28 providing services to alleged sexual assault survivors in
29 accordance with a plan approved under Section 2 must develop
30 a protocol that ensures that each survivor of sexual assault
31 will receive medically and factually accurate and written and
32 oral information about emergency contraception; the
33 indications and counter-indications and risks associated with

1 the use of emergency contraception; and a description of how
2 and when victims may be provided emergency contraception upon
3 the written order of a physician licensed to practice
4 medicine in all its branches. The Department shall approve
5 the protocol if it finds that the implementation of the
6 protocol would provide sufficient protection for survivors of
7 an alleged sexual assault.

8 The hospital shall implement the protocol upon approval
9 by the Department. The Department shall adopt rules and
10 regulations establishing one or more safe harbor protocols
11 and setting minimum acceptable protocol standards that
12 hospitals may develop and implement. The Department shall
13 approve any protocol that meets those standards. The
14 Department may provide a sample acceptable protocol upon
15 request.

16 Section 99. Effective date. This Act takes effect on
17 January 1, 2002.