

HOUSE BILL NO. 2397

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

3659H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto two new sections relating to the compassionate assistance for rape emergencies (CARE) act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto two new sections, to be known as sections 191.713 and 191.714, to read as follows:

191.713. 1. Sections 191.713 and 191.714 shall be known and may be cited as the "Compassionate Assistance for Rape Emergencies (CARE) Act".

2. As used in sections 191.713 and 191.714, unless the context clearly indicates otherwise, the following terms mean:

(1) "Emergency care to sexual assault victims", medical examinations, procedures, or services provided at a hospital or health care facility to a sexual assault victim following an alleged rape;

(2) "Emergency contraception", any drug or device approved by the Food and Drug Administration that prevents pregnancy after sexual intercourse;

(3) "Health care facility", any urgent care center or facility that offers treatment for patients during normal business, after-business, or weekend hours and that is affiliated with a licensed hospital;

(4) "Sexual assault", includes rape in the first degree as defined in section 566.030, rape in the second degree as defined in section 566.031, statutory rape in the first degree as defined in section 566.032, statutory rape in the second degree as defined in section 566.034, sodomy in the first degree as defined in section 566.060, sodomy in the second

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 degree as defined in section 566.061, statutory sodomy and attempt to commit as defined
18 in section 566.062, and statutory sodomy in the second degree as defined in section 566.064;

19 (5) "Sexual assault victim", a person who is alleged to have been sexually assaulted
20 and is presented as a patient.

191.714. 1. It shall be the standard of care for any hospital and any health care
2 facility that provides emergency care to sexual assault victims to:

3 (1) Orally inform each sexual assault victim of the option to be provided emergency
4 contraception at the hospital or health care facility;

5 (2) Provide the complete regimen of emergency contraception immediately at the
6 hospital or health care facility to each sexual assault victim who requests it; and

7 (3) Provide sexually transmitted infection screening and treatment to the sexual
8 assault victim.

9 2. The department shall promulgate all rules and regulations to implement the
10 provisions of sections 191.713 and 191.714. Any rule or portion of a rule, as that term is
11 defined in section 536.010, that is created under the authority delegated in this section shall
12 become effective only if it complies with and is subject to all of the provisions of chapter
13 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
14 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
15 to delay the effective date, or to disapprove and annul a rule are subsequently held
16 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
17 after August 28, 2020, shall be invalid and void.

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