

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 05-1042

BY REPRESENTATIVE(S) Boyd, Berens, Borodkin, Carroll T., Coleman, Garcia, Green, Hodge, Jahn, Larson, Lindstrom, Madden, Marshall, McFadyen, McGihon, Merrifield, Plant, Ragsdale, Todd, Weissmann, Carroll M., Pommer, Riesberg, and Vigil;  
also SENATOR(S) Veiga, Bacon, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Shaffer, Takis, Tochtrop, Tupa, Williams, and Windels.

CONCERNING THE AVAILABILITY OF EMERGENCY CONTRACEPTION TO A SURVIVOR OF A SEXUAL ASSAULT.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds that:

(a) Each year more than three hundred thousand women are sexually assaulted in the United States.

(b) A woman who is the survivor of a sexual assault may face the additional trauma of an unwanted pregnancy or the fear that pregnancy may result.

(c) Each year, between twenty-five thousand and thirty-two

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

thousand women in the United States become pregnant as a result of a sexual assault, and approximately twenty-two thousand of these pregnancies could be prevented if all women used emergency contraception.

(2) The general assembly further finds that:

(a) Standards of emergency care established by the American College of Emergency Medicine and the American Medical Association require that female sexual assault survivors be counseled about their risk of pregnancy and offered emergency contraception.

(b) Emergency contraception is more likely to prevent pregnancy if taken as soon as possible, but emergency contraception prevents pregnancy if taken within one-hundred-twenty hours after unprotected sexual intercourse.

(c) A recent survey of Colorado hospitals found that there are inconsistent policies and practices for dispensing emergency contraception and providing education to female sexual assault survivors.

(d) Because emergency contraception is time sensitive and a sexual assault survivor may have delayed hospital treatment, it is critical that she be informed of this option and, if she wishes, be dispensed emergency contraception at the time of her examination or be provided a timely prescription.

(3) The general assembly declares the purpose of this act is to promote the availability of emergency contraception for sexual assault survivors as a compassionate response to their trauma. The general assembly further declares the purpose of this act is to reduce the number of unintended pregnancies and induced abortions that result from sexual assault.

**SECTION 2.** Part 1 of article 3 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25-3-110. Emergency contraception.** (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY CONTRACEPTION" MEANS ANY DRUG APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT PREVENTS

PREGNANCY AFTER SEXUAL INTERCOURSE, INCLUDING BUT NOT LIMITED TO ORAL CONTRACEPTIVE PILLS; EXCEPT THAT "EMERGENCY CONTRACEPTION" SHALL NOT INCLUDE RU-486, MIFEPRISTONE, OR ANY OTHER DRUG OR DEVICE THAT INDUCES A MEDICAL ABORTION.

(b) "SEXUAL ASSAULT SURVIVOR" SHALL HAVE THE SAME MEANING AS "VICTIM" AS DEFINED IN SECTION 18-3-401 (7), C.R.S.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL HEALTH CARE FACILITIES THAT ARE LICENSED PURSUANT TO THIS PART 1 AND PROVIDE EMERGENCY CARE TO SEXUAL ASSAULT SURVIVORS SHALL ADOPT AMENDMENTS TO THEIR EVIDENCE COLLECTION PROTOCOLS FOR THE TREATMENT OF A FEMALE SEXUAL ASSAULT SURVIVOR THAT INCLUDE INFORMING THE SURVIVOR IN A TIMELY MANNER OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION AS A MEANS OF PREGNANCY PROPHYLAXIS AND EDUCATING THE SURVIVOR ON THE PROPER USE OF EMERGENCY CONTRACEPTION AND THE APPROPRIATE FOLLOW-UP CARE. ALL SUCH HEALTH CARE FACILITIES SHALL OFFER EMERGENCY CONTRACEPTION TO A FEMALE SEXUAL ASSAULT SURVIVOR AND EITHER DISPENSE THE EMERGENCY CONTRACEPTION TO THE SURVIVOR OR REFER THE SURVIVOR TO A NEARBY PHARMACY THAT CAN DISPENSE THE EMERGENCY CONTRACEPTION.

(3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE:

(a) A HEALTH CARE PROFESSIONAL WHO IS EMPLOYED BY A HEALTH CARE FACILITY THAT PROVIDES EMERGENCY CARE TO A FEMALE SEXUAL ASSAULT SURVIVOR TO INFORM THE SURVIVOR OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION IF THE PROFESSIONAL REFUSES TO PROVIDE THE INFORMATION ON THE BASIS OF RELIGIOUS OR MORAL BELIEFS; OR

(b) A HEALTH CARE FACILITY TO PROVIDE EMERGENCY CONTRACEPTION TO A SURVIVOR OF A SEXUAL ASSAULT WHO IS NOT AT RISK OF BECOMING PREGNANT AS A RESULT OF THE SEXUAL ASSAULT OR WHO ALREADY IS PREGNANT.

(4) THE GENERAL ASSEMBLY ENCOURAGES HEALTH CARE FACILITIES TO PROVIDE TRAINING TO EMERGENCY ROOM STAFF CONCERNING THE EFFICACY OF EMERGENCY CONTRACEPTION AND THE TIME-SENSITIVE NATURE OF PRESCRIBING AND DISPENSING THE DRUG.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Andrew Romanoff  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Joan Fitz-Gerald  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Owens  
GOVERNOR OF THE STATE OF COLORADO