

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2456

By COMMITTEE ON JUDICIARY

May 19

On page 1 of the printed A-engrossed bill, delete lines 5 through 28 and delete pages 2 through 4 and insert:

**“SECTION 1.** ORS 147.395 is amended to read:

**“147.395.** As used in **this section and** ORS 147.397:

**“[(1) ‘Complete medical assessment’ means an assessment that consists of:]**

**“[(a) A medical examination;]**

**“[(b) The collection of forensic evidence using an evidence collection kit approved by the Department of State Police; and]**

**“[(c) The offering and, if requested, provision of emergency contraception, sexually transmitted infection prevention and, for a victim who is 17 years of age or younger, prescriptions for emergency contraception.]**

**“[(2) ‘Medical assessment’ means a complete or partial medical assessment.]**

**“[(3) ‘Partial medical assessment’ means an assessment that consists of:]**

**“[(a) A medical examination; and]**

**“[(b) The offering and, if requested, provision of emergency contraception, sexually transmitted infection prevention and, for a victim who is 17 years of age or younger, prescriptions for emergency contraception.]**

**“(1) ‘Medical assessment’ means an assessment that consists of a medical examination of a victim that:**

**“(a) Includes the offering and, if requested, provision of emergency contraception, sexually transmitted infection prevention and, for a victim who is 17 years of age or younger, prescriptions for emergency contraception; and**

**“(b) May include the collection of forensic evidence using an evidence collection kit approved by the Department of State Police.**

**“[(4)] (2) ‘Sexual assault forensic evidence kit’ has the meaning given that term in ORS 181A.323.**

**“(3) ‘Victim’ means a person who has experienced an incident of sexual assault as defined in ORS 181A.323 that occurred in this state.**

**“SECTION 2.** ORS 147.397 is amended to read:

**“147.397. (1) Subject to the availability of funds from gifts, grants and donations in the Sexual Assault Victims’ Emergency Medical Response Fund, the Department of Justice shall pay the costs of[:] a medical assessment obtained by a victim if the victim obtains the medical assessment within the time frame established in rules adopted by the department.**

**“[(a) A complete medical assessment obtained by the victim of a sexual assault if the victim obtains the medical assessment no later than 84 hours after the sexual assault.]**

**“[(b) A partial medical assessment obtained by the victim of a sexual assault if the victim obtains**

1 *the medical assessment no later than seven days after the sexual assault.]*

2 “(2) The department may not deny payment under this section for any of the following reasons:

3 “(a) The victim [*of a sexual assault*] has not reported the assault to a law enforcement agency.

4 “(b) The identity of [*a victim of a sexual assault*] **the victim** is not readily available to the de-  
5 partment because forensic evidence has been collected from the victim and preserved in a manner  
6 intended to protect the victim’s identity.

7 “(3) The department shall develop a form that [*the victim of a sexual assault*] **a victim** must  
8 complete if the victim wants the department to pay for a medical assessment as provided in sub-  
9 section (1) of this section. The department shall make copies of the form available to providers of  
10 medical assessments. The form must inform the victim that:

11 “(a) A [*complete or partial*] medical assessment can be obtained regardless of whether the victim  
12 reports the assault to a law enforcement agency; and

13 “(b) A [*complete or partial*] medical assessment can be performed and evidence collected in a  
14 manner intended to protect the victim’s identity.

15 “(4) When [*the victim of a sexual assault*] **a victim** completes the form developed by the depart-  
16 ment under subsection (3) of this section, the victim shall submit the form to the provider of the  
17 medical assessment. The provider shall submit the form with a bill for the medical assessment to the  
18 department. A provider who submits a bill under this subsection may not bill the victim [*or the*  
19 *victim’s insurance carrier*] for the medical assessment except to the extent that the department is  
20 unable to pay the bill due to lack of funds or declines to pay the bill.

21 “(5) Providers of medical assessments that seek reimbursement under this section shall:

22 “(a) Maintain records of medical assessments that protect the identity of victims [*of sexual as-*  
23 *sault*] and keep confidential the identity of victims who have not reported the sexual assault to a law  
24 enforcement agency;

25 “(b) Store sexual assault forensic evidence kits and transfer custody of the kits to a law  
26 enforcement agency having jurisdiction over the geographic area where the provider is located; and

27 “(c) Cooperate with law enforcement agencies to develop and implement procedures that protect  
28 the identities of victims while allowing retrieval and assessment of sexual assault forensic evidence  
29 kits and related evidence.

30 “(6) Law enforcement agencies that receive evidence as provided by subsection (5) of this sec-  
31 tion shall preserve:

32 “(a) A sexual assault forensic evidence kit for no less than 60 years after collection of the evi-  
33 dence; and

34 “(b) Any related evidence for at least six months.

35 “(7) A provider may not charge the department more for a [*complete medical assessment or a*  
36 *partial*] medical assessment than the maximum amounts established by the department by rule for  
37 the assessments.

38 “(8) [*The victim of a sexual assault*] **A victim** may obtain a medical assessment and complete and  
39 submit a form under this section regardless of whether the victim reports the sexual assault to a law  
40 enforcement agency.

41 “[*(9) This section does not require the department to pay any costs of treatment for injuries re-*  
42 *sulting from the sexual assault.*]

43 “(9)(a) **The department shall adopt rules necessary to carry out this section, including**  
44 **but not limited to rules:**

45 “(A) **Relating to payment of bills submitted to the Sexual Assault Victims’ Emergency**

1 **Medical Response Fund; and**

2 **“(B) Establishing covered and noncovered medical services under this section.**

3 **“(b) Compensation for medical assessments related to strangulation shall be made under**  
4 **ORS 147.035.**

5 “(10) The department shall create, and make available to medical assessment providers, infor-  
6 mational materials describing the services payable by the **Sexual Assault Victims’ Emergency**  
7 **Medical Response** Fund as described in subsection (1) of this section. A provider shall ensure that  
8 the informational materials are made available to [sexual assault] victims.

9 “[*(11) The department may adopt rules necessary to carry out the provisions of this section.*]

10 **“SECTION 3.** ORS 435.254 is amended to read:

11 **“435.254. (1) A hospital providing care to a female victim of sexual assault shall:**

12 **“(a) Promptly provide the victim with unbiased, medically and factually accurate written and**  
13 **oral information about emergency contraception;**

14 **“(b) Promptly orally inform the victim of her option to be provided emergency contraception at**  
15 **the hospital; and**

16 **“(c) If requested by the victim and if not medically contraindicated, provide the victim with**  
17 **emergency contraception immediately at the hospital[, notwithstanding ORS 147.397].**

18 **“(2)(a) In collaboration with victim advocates, other interested parties and nonprofit organiza-**  
19 **tions that provide intervention and support services to victims of sexual assault and their families,**  
20 **the Oregon Health Authority shall develop, prepare and produce informational materials relating to**  
21 **emergency contraception for the prevention of pregnancy in victims of sexual assault for distribution**  
22 **to and use in all hospital emergency departments in the state, in quantities sufficient to comply with**  
23 **the requirements of this section.**

24 **“(b) The Director of the Oregon Health Authority, in collaboration with community sexual as-**  
25 **sault programs and other relevant stakeholders, may approve informational materials developed,**  
26 **prepared and produced by other entities for the purposes of paragraph (a) of this subsection.**

27 **“(c) All informational materials must:**

28 **“(A) Be clearly written and easily understood in a culturally competent manner; and**

29 **“(B) Contain an explanation of emergency contraception, including its use, safety and effective-**  
30 **ness in preventing pregnancy, including but not limited to the following facts:**

31 **“(i) Emergency contraception has been approved by the United States Food and Drug Adminis-**  
32 **tration as an over-the-counter medication for women 18 years of age or older and is a safe and ef-**  
33 **fective way to prevent pregnancy after unprotected sexual intercourse or after contraceptive failure,**  
34 **if taken in a timely manner.**

35 **“(ii) Emergency contraception is more effective the sooner it is taken.**

36 **“(iii) Emergency contraception will not disrupt an established pregnancy.**

37 **“(3) The authority shall respond to complaints of violations of ORS 435.256 in accordance with**  
38 **ORS 441.044.**

39 **“(4) The authority shall incorporate the requirements of this section in rules adopted pursuant**  
40 **to ORS 441.025 that prescribe the care to be given to patients at hospitals.**

41 **“(5) The director shall adopt rules necessary to carry out the provisions of this section.**

42 **“(6) Information required to be provided under subsection (1) of this section is medically and**  
43 **factually accurate if the information is verified or supported by the weight of research conducted**  
44 **in compliance with accepted scientific methods and based upon:**

45 **“(a) Reports in peer-reviewed journals; or**

1       “(b) Information that leading professional organizations, such as the American College of  
2       Obstetricians and Gynecologists, and agencies with expertise in the field recognize as accurate and  
3       objective.”.

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