

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2456**

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

1 **contraception, sexually transmitted infection prevention and, for a**
2 **victim who is 17 years of age or younger, prescriptions for emergency**
3 **contraception; and**

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

6 **“[(4)] (2) ‘Sexual assault forensic evidence kit’ has the meaning given that**
7 **term in ORS 181A.323.**

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

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

11 **“147.397. (1) Subject to the availability of funds from gifts, grants and**
12 **donations in the Sexual Assault Victims’ Emergency Medical Response Fund,**
13 **the Department of Justice shall pay the costs of[:]** **a medical assessment**
14 **obtained by a victim if the victim obtains the medical assessment**
15 **within the time frame established in rules adopted by the department.**

16 **“(a) *A complete medical assessment obtained by the victim of a sexual as-***
17 ***sault if the victim obtains the medical assessment no later than 84 hours after***
18 ***the sexual assault.*]**

19 **“(b) *A partial medical assessment obtained by the victim of a sexual as-***
20 ***sault if the victim obtains the medical assessment no later than seven days***
21 ***after the sexual assault.*]**

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

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

26 **“(b) The identity of [*a victim of a sexual assault*] **the victim** is not readily**
27 **available to the department because forensic evidence has been collected**
28 **from the victim and preserved in a manner intended to protect the victim’s**
29 **identity.**

30 **“(3) The department shall develop a form that [*the victim of a sexual as-***

1 *sault*] **a victim** must complete if the victim wants the department to pay for
2 a medical assessment as provided in subsection (1) of this section. The de-
3 partment shall make copies of the form available to providers of medical
4 assessments. The form must inform the victim that:

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

7 “(b) A [*complete or partial*] medical assessment can be performed and ev-
8 idence collected in a manner intended to protect the victim’s identity.

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

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

19 “(a) Maintain records of medical assessments that protect the identity of
20 victims [*of sexual assault*] and keep confidential the identity of victims who
21 have not reported the sexual assault to a law enforcement agency;

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

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

28 “(6) Law enforcement agencies that receive evidence as provided by sub-
29 section (5) of this section shall preserve:

30 “(a) A sexual assault forensic evidence kit for no less than 60 years after

1 collection of the evidence; and

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

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

6 “(8) [*The victim of a sexual assault*] **A victim** may obtain a medical as-
7 sessment and complete and submit a form under this section regardless of
8 whether the victim reports the sexual assault to a law enforcement agency.

9 “[*(9) This section does not require the department to pay any costs of*
10 *treatment for injuries resulting from the sexual assault.*]

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

13 “(A) **Relating to payment of bills submitted to the Sexual Assault**
14 **Victims’ Emergency Medical Response Fund; and**

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

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

19 “(10) The department shall create, and make available to medical assess-
20 ment providers, informational materials describing the services payable by
21 the **Sexual Assault Victims’ Emergency Medical Response** Fund as de-
22 scribed in subsection (1) of this section. A provider shall ensure that the
23 informational materials are made available to [*sexual assault*] victims.

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

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

27 “435.254. (1) A hospital providing care to a female victim of sexual assault
28 shall:

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

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

3 “(c) If requested by the victim and if not medically contraindicated, pro-
4 vide the victim with emergency contraception immediately at the hospital[,
5 *notwithstanding ORS 147.397*].

6 “(2)(a) In collaboration with victim advocates, other interested parties
7 and nonprofit organizations that provide intervention and support services
8 to victims of sexual assault and their families, the Oregon Health Authority
9 shall develop, prepare and produce informational materials relating to
10 emergency contraception for the prevention of pregnancy in victims of sexual
11 assault for distribution to and use in all hospital emergency departments in
12 the state, in quantities sufficient to comply with the requirements of this
13 section.

14 “(b) The Director of the Oregon Health Authority, in collaboration with
15 community sexual assault programs and other relevant stakeholders, may
16 approve informational materials developed, prepared and produced by other
17 entities for the purposes of paragraph (a) of this subsection.

18 “(c) All informational materials must:

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

21 “(B) Contain an explanation of emergency contraception, including its
22 use, safety and effectiveness in preventing pregnancy, including but not
23 limited to the following facts:

24 “(i) Emergency contraception has been approved by the United States
25 Food and Drug Administration as an over-the-counter medication for women
26 18 years of age or older and is a safe and effective way to prevent pregnancy
27 after unprotected sexual intercourse or after contraceptive failure, if taken
28 in a timely manner.

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

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

1 “(3) The authority shall respond to complaints of violations of ORS
2 435.256 in accordance with ORS 441.044.

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

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

8 “(6) Information required to be provided under subsection (1) of this sec-
9 tion is medically and factually accurate if the information is verified or
10 supported by the weight of research conducted in compliance with accepted
11 scientific methods and based upon:

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

13 “(b) Information that leading professional organizations, such as the
14 American College of Obstetricians and Gynecologists, and agencies with ex-
15 pertise in the field recognize as accurate and objective.”.

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