

SENATE BILL No. 369

May 21, 2013, Introduced by Senators WARREN, HOPGOOD, ANANICH, SMITH, ANDERSON, BIEDA, JOHNSON, GREGORY and WHITMER and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 20190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20190. (1) BEFORE THE EXPIRATION OF 30 DAYS AFTER THE
2 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL PREPARE AND
3 DISTRIBUTE TO HEALTH FACILITIES AND AGENCIES THAT PROVIDE EMERGENCY
4 OR URGENT CARE MEDICALLY AND FACTUALLY ACCURATE WRITTEN INFORMATION
5 ABOUT EMERGENCY CONTRACEPTION. ON AND AFTER THE EXPIRATION OF 30
6 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, A HEALTH FACILITY OR
7 AGENCY THAT PROVIDES EMERGENCY OR URGENT CARE SHALL PROVIDE TO ALL
8 INDIVIDUALS WHO PROVIDE CARE TO VICTIMS OF CRIMINAL SEXUAL CONDUCT
9 IN THAT FACILITY THE WRITTEN INFORMATION ABOUT EMERGENCY
10 CONTRACEPTION PREPARED UNDER THIS SUBSECTION.

11 (2) A HEALTH FACILITY OR AGENCY THAT PROVIDES EMERGENCY OR

1 URGENT CARE SHALL PROMPTLY PROVIDE TO A PATIENT WHO IS A FEMALE
2 VICTIM OF CRIMINAL SEXUAL CONDUCT AND WHO IS OF CHILDBEARING AGE A
3 COPY OF THE WRITTEN INFORMATION ABOUT EMERGENCY CONTRACEPTION
4 PREPARED UNDER SUBSECTION (1) AND SHALL PROMPTLY OFFER EMERGENCY
5 CONTRACEPTION TO THAT FEMALE VICTIM. IF THE FEMALE VICTIM OF
6 CRIMINAL SEXUAL CONDUCT WHO IS OF CHILDBEARING AGE REQUESTS
7 EMERGENCY CONTRACEPTION, THE HEALTH FACILITY OR AGENCY SHALL
8 ADMINISTER EMERGENCY CONTRACEPTION TO THAT FEMALE VICTIM.

9 (3) A HEALTH FACILITY OR AGENCY THAT ADMINISTERS EMERGENCY
10 CONTRACEPTION UNDER SUBSECTION (2) SHALL ANNUALLY REPORT TO THE
11 DEPARTMENT THE NUMBER OF TIMES EMERGENCY CONTRACEPTION IS
12 ADMINISTERED TO VICTIMS OF CRIMINAL SEXUAL CONDUCT UNDER THIS
13 SECTION. A HEALTH FACILITY OR AGENCY SHALL NOT IDENTIFY ANY
14 INDIVIDUAL PATIENT IN A REPORT MADE UNDER THIS SECTION. A REPORT
15 MADE UNDER THIS SECTION IS CONFIDENTIAL AND IS NOT SUBJECT TO
16 PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA
17 442, MCL 15.231 TO 15.246.

18 (4) THE DEPARTMENT MAY PROMULGATE RULES NECESSARY TO
19 ADMINISTER THIS SECTION AND SHALL PROMULGATE RULES NECESSARY TO
20 CARRY OUT THE ANNUAL REPORTING REQUIREMENT OF SUBSECTION (3).

21 (5) AS USED IN THIS SECTION:

22 (A) "EMERGENCY CONTRACEPTION" MEANS A DRUG, MEDICINE, ORAL
23 HORMONAL COMPOUND, MIXTURE, PREPARATION, INSTRUMENT, ARTICLE, OR
24 DEVICE THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG
25 ADMINISTRATION AND THAT PREVENTS A PREGNANCY AFTER SEXUAL
26 INTERCOURSE. EMERGENCY CONTRACEPTION DOES NOT INCLUDE A DRUG,
27 MEDICINE, ORAL HORMONAL COMPOUND, MIXTURE, PREPARATION, INSTRUMENT,

1 ARTICLE, OR DEVICE OF ANY NATURE THAT IS PRESCRIBED TO TERMINATE
2 THE PREGNANCY OF A FEMALE.

3 (B) "VICTIM OF CRIMINAL SEXUAL CONDUCT" MEANS A VICTIM OF
4 CRIMINAL SEXUAL CONDUCT UNDER SECTIONS 520A TO 520/ OF THE MICHIGAN
5 PENAL CODE, 1931 PA 328, MCL 750.520A TO 750.520/.