

MAR 13 2009

## SENATE RESOLUTION

URGING ALL HOSPITAL EMERGENCY ROOMS IN THE STATE TO PROVIDE  
EMERGENCY CONTRACEPTION ON DEMAND TO VICTIMS OF SEXUAL  
ASSAULT OR RAPE.

1 WHEREAS, when a victim of violent crime that results in  
2 physical injury seeks medical attention, the health care system  
3 should do everything possible to respond and administer  
4 medically necessary care; and

5  
6 WHEREAS, sexual assault, or rape, is a crime that is  
7 violent, traumatic, and the ultimate, intimate violation in  
8 which a woman loses all sense of personal control, decision-  
9 making, and dignity, and in which she is physically and  
10 psychologically ripped apart; and

11  
12 WHEREAS, healers are responsible for providing victims with  
13 information regarding procedures being followed to ease pain,  
14 information critical to decisions regarding injuries,  
15 information regarding the risks of sexually transmitted disease,  
16 and honest information about the risks of pregnancy and  
17 emergency contraception; and

18  
19 WHEREAS, according to the American College of Obstetricians  
20 and Gynecologists, the American Medical Association, and the  
21 American College of Emergency Physicians, the accepted standard  
22 of care for victims of sexual assault includes the provision of  
23 emergency contraception, if desired; and

24  
25 WHEREAS, across the nation, more than four hundred  
26 Catholic, nonprofit hospitals dispense emergency contraception  
27 to rape victims; and

28  
29 WHEREAS, under Hawaii law, a for-profit corporation would  
30 not qualify for a religious employer exemption to the  
31 requirement that employer group medical insurance policies must  
32 provide coverage for contraceptive services; and  
33



1 WHEREAS, a private nonprofit institution would meet the  
2 standard for a religious employer exemption under Hawaii law  
3 regarding contraceptives only if:

- 4  
5 (1) The inculcation of religious values is the purpose of  
6 the entity;  
7  
8 (2) The organization primarily employs persons who share  
9 its religious beliefs;  
10  
11 (3) It is not staffed by public employees; and  
12  
13 (4) The entity qualifies as a nonprofit organization under  
14 section 501(c)(3) of the Internal Revenue Code; and  
15

16 WHEREAS, rape victims and victims of sexual assault deserve  
17 the fullest and best care available according to the standards  
18 set by the American College of Obstetricians and Gynecologists  
19 and other professional medical groups; now, therefore,  
20

21 BE IT RESOLVED by the Senate of the Twenty-fifth  
22 Legislature of the State of Hawaii, Regular Session of 2009, the  
23 House of Representatives concurring, in order to assure that  
24 victims of rape and sexual assault receive the fullest and best  
25 care available, urges all hospital emergency rooms in the State  
26 to adhere to the accepted standard of care for victims of rape  
27 and sexual assault, including the administration of emergency  
28 contraception without delay and without adding insult to injury  
29 by requiring patient transfer to another institution; and  
30

31 BE IT FURTHER RESOLVED that all hospitals in the State are  
32 urged to ensure that all hospital emergency personnel are  
33 properly trained in handling the special needs of rape victims  
34 including the education and provision of emergency contraceptive  
35 services; and  
36

37 BE IT FURTHER RESOLVED that a certified copy of this  
38 Resolution be transmitted to the Director of Health.  
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41

OFFERED BY:

*Jill*

*Resdy H. Baker*  
*James Mascardo*  
*Carol Fuku*  
*Michelle A. Kahan*

