

MAR 13 2009

SENATE CONCURRENT 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



1 requirement that employer group medical insurance policies must
2 provide coverage for contraceptive services; and
3

4 WHEREAS, a private nonprofit institution would meet the
5 standard for a religious employer exemption under Hawaii law
6 regarding contraceptives only if:
7

8 (1) The inculcation of religious values is the purpose of
9 the entity;
10

11 (2) The organization primarily employs persons who share
12 its religious beliefs;
13

14 (3) It is not staffed by public employees; and
15

16 (4) The entity qualifies as a nonprofit organization under
17 section 501(c)(3) of the Internal Revenue Code; and
18

19 WHEREAS, rape victims and victims of sexual assault deserve
20 the fullest and best care available according to the standards
21 set by the American College of Obstetricians and Gynecologists
22 and other professional medical groups; now, therefore,
23

24 BE IT RESOLVED by the Senate of the Twenty-fifth
25 Legislature of the State of Hawaii, Regular Session of 2009, the
26 House of Representatives concurring, in order to assure that
27 victims of rape and sexual assault receive the fullest and best
28 care available, urges all hospital emergency rooms in the State
29 to adhere to the accepted standard of care for victims of rape
30 and sexual assault, including the administration of emergency
31 contraception without delay and without adding insult to injury
32 by requiring patient transfer to another institution; and
33

34 BE IT FURTHER RESOLVED that all hospitals in the State are
35 urged to ensure that all hospital emergency personnel are
36 properly trained in handling the special needs of rape victims
37 including the education and provision of emergency contraceptive
38 services; and
39



S.C.R. NO. 63

1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Director of Health.
3
4
5

OFFERED BY:

Rosalyn H. Baker

Anna Mercado K.
Carol Zukerman

Jill

Elizabeth Chun Cleveland

Michelle N. Kidani

