



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 102
[2007 Assembly Bill 377]

**Provision by Hospitals of
Emergency Contraception to Sexual
Assault Victims**

2007 Wisconsin Act 102 addresses the provision by hospitals of emergency contraception and related information to victims of sexual assault.

Requirements on Hospitals

Act 102 requires a hospital that provides emergency services to a sexual assault victim (as defined) to: (1) provide the victim medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; (2) orally inform the victim of: (a) her option to receive emergency contraception at the hospital; (b) her option to report the sexual assault to a law enforcement agency; and (c) any available options for her to receive an examination to gather evidence regarding the sexual assault; and (3) immediately provide the victim, upon her request, emergency contraception in accordance with instructions approved by the federal Food and Drug Administration. If the medication is taken in more than one dosage, the hospital must provide all subsequent dosages to the victim for later self administration.

In addition to the above, the Act requires a hospital that provides emergency care to sexual assault victims to ensure that each hospital employee who provides care to a victim has available medically and factually accurate and unbiased information about emergency contraception.

The Act defines “emergency contraception” as “a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device that is approved by the federal food and drug administration and that prevents a pregnancy after sexual intercourse.” The term expressly does not include “a drug, medicine, oral hormonal compound, mixture, preparation, instrument, article, or device of any nature that is prescribed to terminate the pregnancy of a female.”

Exception

Act 102 provides that no hospital may be required to provide emergency contraception to a sexual assault victim who is pregnant, as indicated by a test for pregnancy.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

Enforcement

The Department of Health and Family Services (DHFS) is required under the Act to respond to any complaint it receives concerning noncompliance by a hospital with the above-described requirements. Further, the department is directed to periodically review hospital procedures to determine whether a hospital is in compliance with the requirements.

A hospital that violates a requirement under the Act is subject to a civil forfeiture of not less than \$2,500 nor more than \$5,000 for each violation. DHFS may directly assess a forfeiture, subject to the right of the hospital to contest the assessment by requesting a hearing with the state Division of Hearing and Appeals.

Effective Date: March 28, 2008.

Prepared by: Don Dyke, Chief of Legal Services

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