

# STATE OF NEW YORK

6964

2017-2018 Regular Sessions

## IN SENATE

December 1, 2017

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to sexual assault forensic exams

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 2805-i of the public health law,  
2 as amended by chapter 504 of the laws of 1994 and paragraph (c) as  
3 amended by chapter 39 of the laws of 2012, is amended to read as  
4 follows:

5 1. Every hospital providing treatment to alleged victims of a sexual  
6 offense shall be responsible for:

7 (a) maintaining sexual offense evidence and the chain of custody as  
8 provided in subdivision two of this section[-];

9 (b) contacting a rape crisis or victim assistance organization, if  
10 any, providing victim assistance to the geographic area served by that  
11 hospital to establish the coordination of non-medical services to sexual  
12 offense victims who request such coordination and services[-];

13 (c) offering and making available appropriate HIV post-exposure treat-  
14 ment therapies; including a seven day starter pack of HIV post-exposure  
15 prophylaxis, in cases where it has been determined, in accordance with  
16 guidelines issued by the commissioner, that a significant exposure to  
17 HIV has occurred, and informing the victim that payment assistance for  
18 such therapies may be available from the office of victim services  
19 pursuant to the provisions of article twenty-two of the executive law.  
20 With the consent of the victim of a sexual assault, the hospital emer-  
21 gency room department shall provide or arrange for an appointment for  
22 medical follow-up related to HIV post-exposure prophylaxis and other  
23 care as appropriate; and

24 (d) ensuring sexual assault survivors are not billed for sexual  
25 assault forensic exams and are notified orally and in writing of the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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- 1 option to decline to provide private health insurance information and
- 2 have the office of victim services reimburse the hospital for the exam
- 3 pursuant to article twenty-two of the executive law.
- 4     § 2. This act shall take effect immediately.