

ASSEMBLY, No. 2331

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

Assemblyman Caputo and Assemblywoman Dunn

SYNOPSIS

Requires certain hospitals to provide sexual assault treatment training for certain staff.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning hospital protocols and sexual assault and
2 supplementing Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Department” means the Department of Health.

9 "Practitioner" means a medical doctor, physician assistant, or
10 advanced practice nurse who is certified or licensed pursuant to
11 Title 45 of the Revised Statutes.

12
13 2. a. Each general acute care hospital licensed pursuant to
14 P.L.1971, c.136 (C.26:2H-1 et seq.) shall submit to the department
15 for approval:

16 (1) a plan to ensure victims of sexual assault receive treatment
17 within 90 minutes of presenting at the hospital; and

18 (2) a proposed sexual assault treatment training program for
19 practitioners providing treatment services at the hospital, which
20 shall include treatment for physical, mental, and emotional trauma,
21 and collection of forensic evidence, including the use of a sexual
22 assault evidence collection kit.

23 b. A hospital shall begin treatment of a victim of sexual assault
24 within 90 minutes of the victim’s arrival at the hospital, after
25 having received the consent of the victim, and which treatment shall
26 not delay the provision of any life-saving medical care to the victim
27 or to other patients. The treatment shall include, but shall not be
28 limited to: treatment for any physical, mental, and emotional
29 trauma, the administration of emergency contraception, the
30 administration of a test for sexually transmitted diseases, referral
31 services, and the collection of forensic evidence, including the use
32 of a sexual assault evidence collection kit.

33 c. The collection of forensic evidence from a victim of sexual
34 assault shall include, but shall not be limited to: examinations and
35 laboratory tests required to ensure the health, safety, and welfare of
36 a sexual assault victim and which may be used as evidence in a
37 criminal proceeding against a person accused of the sexual assault,
38 or in another investigation concerning the act perpetrated upon the
39 victim. The records of the results of such examinations and
40 laboratory tests shall be maintained by the hospital for a period of
41 18 years and made available to law enforcement officials, and upon
42 the request of the sexual assault victim, to other persons.

43 d. A hospital shall provide sexual assault training to
44 appropriate practitioners, which shall include, but shall not be
45 limited to:

46 (1) the provision of medical, psychological, and forensic
47 services, including the collection of evidence and the use of a
48 sexual assault evidence collection kit;

1 (2) sexual assault epidemiology, neurobiology of trauma, drug-
2 facilitated sexual assault, child sexual abuse, and New Jersey sexual
3 assault-related laws; and

4 (3) the hospital's sexual assault-related policies and procedures.
5

6 3. The Department of Health, in consultation with the
7 Department of Law and Public Safety and appropriate law
8 enforcement agencies, shall adopt, pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules or
10 regulations necessary to effectuate the provisions of this act.
11

12 4. This act shall take effect 300 days after the date of
13 enactment.
14
15

16 STATEMENT 17

18 This bill requires hospitals providing emergency services to
19 provide certain professional medical staff with increased training to
20 treat victims of sexual assault.

21 Under the bill, each general acute care hospital licensed pursuant
22 to P.L.1971, c.136 (C.26:2H-1 et seq.) is to submit to the
23 Department of Health (department) for approval: (1) a plan to
24 ensure victims of sexual assault receive treatment within 90 minutes
25 of presenting at the hospital; and (2) a proposed sexual assault
26 treatment training program for practitioners providing treatment
27 services at the hospital, which shall include treatment for physical,
28 mental, and emotional trauma, and collection of forensic evidence,
29 including the use of a sexual assault evidence collection kit.

30 The bill provides that a hospital is to begin treatment of a victim
31 of sexual assault within 90 minutes of the victim's arrival at the
32 hospital, after having received the consent of the victim, and which
33 treatment is not to delay the provision of any life-saving medical
34 care to the victim or to other patients. The treatment is to include,
35 but is not to be limited to: treatment for any physical, mental, and
36 emotional trauma, the administration of emergency contraception,
37 the administration of a test for sexually transmitted diseases,
38 referral services, and the collection of forensic evidence, including
39 the use of a sexual assault evidence collection kit.

40 Under the bill, the collection of forensic evidence from a victim
41 of sexual assault is to include, but is not to be limited to:
42 examinations and laboratory tests required to ensure the health,
43 safety, and welfare of a sexual assault victim and which may be
44 used as evidence in a criminal proceeding against a person accused
45 of the sexual assault, or in another investigation concerning the act
46 perpetrated upon the victim. The records of the results of such
47 examinations and laboratory tests are to be maintained by the
48 hospital for a period of 18 years and made available to law

1 enforcement officials, and upon the request of the sexual assault
2 victim, to other persons.

3 A hospital is to provide sexual assault training to appropriate
4 practitioners, which is to include, but is not to be limited to:

5 (1) the provision of medical, psychological, and forensic
6 services, including the collection of evidence and the use of a
7 sexual assault evidence collection kit; (2) sexual assault
8 epidemiology, neurobiology of trauma, drug-facilitated sexual
9 assault, child sexual abuse, and New Jersey sexual assault-related
10 laws; and (3) the hospital's sexual assault-related policies and
11 procedures.