

SECOND REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 3434, 3460 & 2628

## 103RD GENERAL ASSEMBLY

7325H.03C

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 197.135, RSMo, and to enact in lieu thereof three new sections relating to statewide sexual assault response.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 197.135, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 191.713, 197.135, and 595.410, to read as follows:

**191.713. 1. This section shall be known and may be cited as the "Compassionate Assistance for Rape Emergencies (CARE) Act".**

**2. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

(1) "Emergency care to sexual assault victims", medical examinations, procedures, or services provided at a hospital or health care facility to a sexual assault victim following an alleged sexual assault;

(2) "Emergency contraception", any drug or device approved by the U.S. Food and Drug Administration that prevents pregnancy after sexual intercourse. The term "emergency contraception" shall not include any medication approved by the U.S. Food and Drug Administration to terminate a pregnancy;

(3) "Health care facility", any urgent care center or facility that offers treatment for patients during normal business, after business, or weekend hours and that is affiliated with a licensed hospital;

(4) "Sexual assault", includes rape in the first degree, as described in section 566.030; rape in the second degree, as described in section 566.031; statutory rape in the first degree and attempt to commit statutory rape in the first degree, as described in section 566.032; statutory rape in the second degree, as described in section 566.034;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

19 **sodomy in the first degree, as described in section 566.060; sodomy in the second degree,**  
20 **as described in section 566.061; statutory sodomy in the first degree and attempt to**  
21 **commit statutory sodomy in the first degree, as described in section 566.062; and**  
22 **statutory sodomy in the second degree, as described in section 566.064;**

23 **(5) "Sexual assault victim", a person who is alleged to have been sexually**  
24 **assaulted and is presented as a patient.**

25 **3. It shall be the standard of care for any hospital or any health care facility that**  
26 **provides emergency care to sexual assault victims to:**

27 **(1) Orally inform each sexual assault victim of the option to be provided**  
28 **emergency contraception at the hospital or health care facility;**

29 **(2) Provide the complete regimen of emergency contraception immediately at the**  
30 **hospital or health care facility to each sexual assault victim who requests it; and**

31 **(3) Provide sexually transmitted infection screening and treatment to the sexual**  
32 **assault victim.**

33 **4. The department of health and senior services shall promulgate all rules and**  
34 **regulations to implement the provisions of this section. Any rule or portion of a rule, as**  
35 **that term is defined in section 536.010, that is created under the authority delegated in**  
36 **this section shall become effective only if it complies with and is subject to all of the**  
37 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**  
38 **536 are nonseverable and if any of the powers vested with the general assembly**  
39 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
40 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
41 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

197.135. 1. Beginning January 1, 2023, or no later than six months after the  
2 establishment of the statewide telehealth network under section 192.2520, whichever is later,  
3 any hospital licensed under this chapter shall perform a forensic examination using an  
4 evidentiary collection kit upon the request and consent of the victim of a sexual offense, or  
5 the victim's guardian, when the victim is at least fourteen years of age. In the case of minor  
6 consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen  
7 years of age shall be referred, and victims fourteen years of age or older but less than eighteen  
8 years of age may be referred, to a SAFE CARE provider, as such term is defined in section  
9 334.950, for medical or forensic evaluation and case review. Nothing in this section shall be  
10 interpreted to preclude a hospital from performing a forensic examination for a victim under  
11 fourteen years of age upon the request and consent of the victim or victim's guardian, subject  
12 to the provisions of section 595.220 and the rules promulgated by the department of public  
13 safety.

14           2. (1) An appropriate medical provider, as such term is defined in section 595.220,  
15 shall perform the forensic examination of a victim of a sexual offense. The hospital shall  
16 ensure that any provider performing the examination has received training conducting such  
17 examinations that is, at a minimum, equivalent to the training offered by the statewide  
18 telehealth network under subsection 4 of section 192.2520. Nothing in this section shall  
19 require providers to utilize the training offered by the statewide telehealth network, as long as  
20 the training utilized is, at a minimum, equivalent to the training offered by the statewide  
21 telehealth network.

22           (2) If the provider is not a sexual assault nurse examiner (SANE), or another similarly  
23 trained physician or nurse, then the hospital shall utilize telehealth services during the  
24 examination, such as those provided by the statewide telehealth network, to provide guidance  
25 and support through a SANE, or other similarly trained physician or nurse, who may observe  
26 the live forensic examination and who shall communicate with and support the onsite  
27 provider with the examination, forensic evidence collection, and proper transmission and  
28 storage of the examination evidence.

29           3. The department of health and senior services may issue a waiver of the telehealth  
30 requirements of subsection 2 of this section if the hospital demonstrates to the department, in  
31 writing, a technological hardship in accessing telehealth services or a lack of access to  
32 adequate broadband services sufficient to access telehealth services. Such waivers shall be  
33 granted sparingly and for no more than a year in length at a time, with the opportunity for  
34 renewal at the department's discretion.

35           4. The department shall waive the requirements of this section if the statewide  
36 telehealth network established under section 192.2520 ceases operation, the director of the  
37 department of health and senior services has provided written notice to hospitals licensed  
38 under this chapter that the network has ceased operation, and the hospital cannot, in good  
39 faith, comply with the requirements of this section without assistance or resources of the  
40 statewide telehealth network. Such waiver shall remain in effect until such time as the  
41 statewide telehealth network resumes operation or until the hospital is able to demonstrate  
42 compliance with the provisions of this section without the assistance or resources of the  
43 statewide telehealth network.

44           5. The provisions of section 595.220 shall apply to:

45           (1) The reimbursement of the reasonable costs of the examinations **and medical**  
46 **treatment including, but not limited to, emergency contraception;** and

47           (2) The provision of the evidentiary collection kits.

48           6. No individual hospital shall be required to comply with the provisions of this  
49 section and section 192.2520 unless and until the department provides such hospital with

50 access to the statewide telehealth network for the purposes of mentoring and training services  
51 required under section 192.2520 without charge to the hospital.

52 7. A specialty hospital shall be considered exempt from the provisions of this section  
53 and section 192.2520 if such hospital has a policy for the transfer of a victim of a sexual  
54 offense to an appropriate hospital with an emergency department. As used in this section,  
55 "specialty hospital" shall mean a hospital licensed under this chapter and designated by the  
56 department as something other than a general acute care hospital.

**595.410. 1. There is hereby established the "Missouri Statewide Sexual Assault  
2 Response Task Force", which shall be composed of the following members:**

3 (1) The following four members of the general assembly:

4 (a) Two members of the senate, with one member to be appointed by the  
5 president pro tempore of the senate and one member to be appointed by the minority  
6 floor leader of the senate; and

7 (b) Two members of the house of representatives, with one member to be  
8 appointed by the speaker of the house of representatives and one member to be  
9 appointed by the minority floor leader of the house of representatives;

10 (2) Three representatives of the attorney general's office, with one member  
11 representing the cold case section of the litigation division, one member representing the  
12 SAFE Kits Initiative, and one member representing SAFETrack, with each such  
13 member appointed by the attorney general or his or her designee;

14 (3) One representative of the department of public safety's crime victims'  
15 compensation staff, to be appointed by the director of the department of public safety or  
16 his or her designee;

17 (4) One representative of the department of health and senior services' office on  
18 women's health, to be appointed by the director of the department of health and senior  
19 services or his or her designee;

20 (5) One representative of the Missouri state highway patrol representing the  
21 Missouri highway patrol crime lab;

22 (6) Two representatives of the Missouri Coalition Against Domestic and Sexual  
23 Violence;

24 (7) One representative of the Missouri Hospital Association;

25 (8) One representative from the Missouri State Medical Association;

26 (9) One representative of the Missouri Nurses Association;

27 (10) One representative of the Missouri Sheriffs' Association;

28 (11) One representative of the Missouri Police Chiefs Association;

29 (12) One representative of the Missouri office of prosecution services;

30           **(13) One representative of a Sexual Assault Nurse Examiner (SANE) Program**  
31 **that serves a community with a population of one hundred thousand inhabitants or**  
32 **greater, to be appointed by the attorney general or his or her designee;**

33           **(14) One representative of a Sexual Assault Nurse Examiner (SANE) Program**  
34 **that serves a community with a population fewer than one hundred thousand**  
35 **inhabitants, to be appointed by the attorney general or his or her designee;**

36           **(15) One representative of the Missouri Rural Health Association;**

37           **(16) Two persons who serve as victims' advocates, to be appointed by the**  
38 **attorney general or his or her designee; and**

39           **(17) One person who is a private citizen who represents the interests of sexual**  
40 **assault victims, to be appointed by the attorney general or his or her designee.**

41           **2. The task force shall study best practices and make recommendations**  
42 **regarding the statewide response to sexual assault from the time of the complaint**  
43 **through each phase of the investigative, medical, advocacy, and justice system response.**

44           **3. The task force shall determine whether a need exists for additional employees**  
45 **or volunteers of a rape crisis center for victims of sexual assault and, if such a need does**  
46 **exist:**

47           **(1) Establish a plan for how the state can provide, in conjunction with rape crisis**  
48 **centers, victims' advocate organizations, the department of social services, and the**  
49 **department of public safety, additional employees or volunteers of a rape crisis center to**  
50 **meet the needs identified; and**

51           **(2) Determine the cost of funding such a plan.**

52           **4. The task force shall evaluate whether a need exists to provide for ongoing**  
53 **evaluation of the implementation of the Sexual Assault Survivor Bill of Rights under**  
54 **section 595.201, and if it is determined that such a need exists, the task force shall:**

55           **(1) Identify the scope and nature of the need; and**

56           **(2) Make recommendations on how best to fill that need, whether legislatively or**  
57 **otherwise.**

58           **5. The task force shall:**

59           **(1) Collect data regarding sexual assault reporting, arrests, prosecution rates,**  
60 **access to sexual assault victims services, and any other data important for its**  
61 **deliberations and recommendations;**

62           **(2) Collect feedback from stakeholders, practitioners, and leadership throughout**  
63 **the state and local law enforcement, victim services, forensic science practitioners, and**  
64 **health care communities to inform development of future best practices or clinical**  
65 **guidelines regarding the care and treatment of survivors;**

66           **(3) Identify gaps and barriers in response to sexual assault victims and propose**  
67 **corrective measures; and**

68           **(4) Identify barriers to successful prosecution of sexual assault crimes and**  
69 **propose remedies.**

70           **6. The office of the attorney general shall provide administrative support to the**  
71 **task force.**

72           **7. On or before December 31, 2028, the task force shall submit a report on its**  
73 **findings to the governor and general assembly. The report shall include any dissenting**  
74 **opinions in addition to any majority opinions.**

75           **8. The task force shall expire on December 31, 2028.**

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