

Date: (Filing No. H- )

# JUDICIARY

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 266, L.D. 412, “An Act to Prohibit the Sale or Provision of Self-administered Sexual Assault Forensic Evidence Collection Kits”

Amend the bill by striking out the title and substituting the following:

**'An Act to Prohibit the Sale of Self-administered Sexual Assault Forensic Evidence Collection Kits'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 25 MRSA §2915-A** is enacted to read:

**§2915-A. Sale of self-administered sexual assault forensic evidence collection kit prohibited**

**1. Definitions.** As used in this section, the following terms have the following meanings.

**A. "Person"** has the same meaning as in Title 5, section 206, subsection 2.

**B. "Self-administered sexual assault forensic evidence collection kit"** means materials advertised or marketed as a means for a person other than a licensed hospital or licensed health care practitioner to collect physical evidence of a sexual assault.

**C. "Sexual assault"** has the same meaning as in section 2915, subsection 3-A.

**2. Prohibition.** A person may not sell or offer for sale a self-administered sexual assault forensic evidence collection kit.

**3. Admissibility.** This section does not affect the admissibility in a court proceeding of evidence collected using a self-administered sexual assault forensic evidence collection kit.

**4. Violation.** There is a rebuttable presumption that a violation of this section is a violation of the Maine Unfair Trade Practices Act.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill and changes the title. The amendment prohibits the  
5 sale or offering for sale of materials advertised or marketed as a means for a person other  
6 than a licensed hospital or licensed health care practitioner to collect physical evidence of  
7 a sexual assault, referred to in the amendment as a self-administered sexual assault forensic  
8 evidence collection kit, and establishes a rebuttable presumption that a violation of this  
9 prohibition is a violation of the Maine Unfair Trade Practices Act. The amendment also  
10 clarifies that this prohibition does not affect the admissibility in a court proceeding of  
11 evidence collected using a self-administered sexual assault forensic evidence collection kit.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**