



March 31, 2023

ENGROSSED HOUSE BILL No. 1568

DIGEST OF HB 1568 (Updated March 29, 2023 9:44 am - DI 140)

Citations Affected: IC 12-15; IC 16-19; IC 25-26; IC 34-30; IC 35-52.

Synopsis: Prescription for hormonal contraceptives. Allows pharmacists who meet certain requirements to prescribe and dispense hormonal contraceptive patches and self-administered hormonal contraceptives (contraceptives). Establishes requirements for pharmacists who elect to prescribe and dispense contraceptives. Provides that a pharmacist is not required to prescribe a contraceptive to a woman if the pharmacist believes the contraceptive is contraindicated or objects on ethical, moral, or religious grounds. Provides that an individual who is a pharmacy technician, pharmacy
(Continued next page)

Effective: Upon passage; July 1, 2023.

Rowray, Negele, Vermilion, Fleming

(SENATE SPONSORS — GLICK, LEISING, BECKER, ALEXANDER,
BREAUX, BOHACEK)

January 19, 2023, read first time and referred to Committee on Public Health.
February 14, 2023, amended, reported — Do Pass.
February 16, 2023, read second time, amended, ordered engrossed.
February 17, 2023, engrossed.
February 20, 2023, read third time, passed. Yeas 86, nays 12.

SENATE ACTION

March 1, 2023, read first time and referred to Committee on Health and Provider Services.
March 30, 2023, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1568—LS 7414/DI 77



Digest Continued

technician in training, pharmacist student, or pharmacist intern is not required to dispense a contraceptive to a woman if the individual objects on ethical, moral, or religious grounds. Requires the Indiana board of pharmacy (board) to revoke the license of a pharmacist who knowingly or intentionally prescribes a drug that is intended to cause an abortion. Establishes penalties for a pharmacist who prescribes a drug that is intended to cause an abortion. Requires the state health commissioner or the commissioner's designated public health authority to issue a standing order that allows a pharmacist to prescribe and dispense contraceptives until the board adopts rules that adopt the standing order. Establishes requirements for the standing order. Requires the office of the secretary of family and social services to reimburse a pharmacist for services and prescriptions for contraceptives provided to an eligible Medicaid recipient.

EH 1568—LS 7414/DI 77



March 31, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1568

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-15-1.3-6.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. Before July 1, 2023, the**
4 **office shall apply to the United States Department of Health and**
5 **Human Services to amend the state plan to reimburse a pharmacist**
6 **for services and prescriptions provided under IC 25-26-25 to an**
7 **eligible Medicaid recipient.**

8 SECTION 2. IC 16-19-4-12 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2023]: **Sec. 12. (a) Subject to IC 25-26-25, before September 1,**
11 **2023, the state health commissioner or the commissioner's**
12 **designated public health authority who is a licensed prescriber**
13 **shall, as part of the individual's official capacity, issue a standing**
14 **order that allows a pharmacist to prescribe and dispense a**
15 **hormonal contraceptive patch (as defined in IC 25-26-25-2) and a**
16 **self-administered hormonal contraceptive (as defined in**
17 **IC 25-26-25-3).**

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1 (b) A standing order described in subsection (a) must comply
2 with the requirements set forth under IC 25-26-25.

3 (c) The state health commissioner or designated public health
4 authority who issues a standing order under subsection (a) is
5 immune from civil liability related to the issuing of the standing
6 order.

7 SECTION 3. IC 25-26-25 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]:

10 **Chapter 25. Hormonal Contraceptives**

11 **Sec. 1. The definitions in IC 25-26-13-2 apply to this chapter.**

12 **Sec. 2. As used in this chapter, "hormonal contraceptive patch"**
13 **means a transdermal patch applied to the skin of a woman, by the**
14 **woman or by a pharmacist, that releases a drug composed of a**
15 **combination of hormones that is approved by the federal Food and**
16 **Drug Administration to prevent pregnancy. However, the term**
17 **does not include a drug, substance, or device that contains a**
18 **progesterone receptor antagonist.**

19 **Sec. 3. As used in this chapter, "self-administered hormonal**
20 **contraceptive" means a drug:**

- 21 (1) composed of a hormone or a combination of hormones
22 that is approved by the federal Food and Drug Administration
23 to prevent pregnancy; and
24 (2) that the woman to whom the drug is prescribed may
25 administer to herself.

26 **The term includes hormonal contraceptive pills. However, the term**
27 **does not include a drug or substance that contains a progesterone**
28 **receptor antagonist.**

29 **Sec. 4. A pharmacist may prescribe and dispense hormonal**
30 **contraceptive patches and self-administered hormonal**
31 **contraceptives to a woman who is at least eighteen (18) years of**
32 **age, regardless of whether the woman has evidence of a previous**
33 **prescription from a primary care practitioner or women's health**
34 **care practitioner for a hormonal contraceptive patch or**
35 **self-administered hormonal contraceptive.**

36 **Sec. 5. (a) The state health commissioner or designated public**
37 **health authority shall issue a standing order that concerns**
38 **standard procedures for the prescribing of hormonal contraceptive**
39 **patches and self-administered hormonal contraceptives by**
40 **pharmacists and that is effective until the board adopts rules under**
41 **this chapter.**

42 (b) Before issuing a standing order under subsection (a), the



1 state health commissioner or designated public health authority
2 shall:

3 (1) consult with appropriate medical experts; and

4 (2) receive approval of the medical licensing board of Indiana.

5 (c) The standing order issued under this section must require a
6 pharmacist who elects to prescribe hormonal contraceptive patches
7 and self-administered hormonal contraceptives to do the following:

8 (1) Complete a training program approved by the board that
9 is related to prescribing hormonal contraceptive patches and
10 self-administered hormonal contraceptives. The board may
11 adopt a training program developed by another state.

12 (2) Provide a self-screening risk assessment tool that the
13 woman must use before the pharmacist's prescribing of the
14 hormonal contraceptive patch or self-administered hormonal
15 contraceptive.

16 (3) Refer the woman to a primary care practitioner or the
17 women's health care practitioner upon prescribing and
18 dispensing the hormonal contraceptive patch or
19 self-administered hormonal contraceptive.

20 (4) Provide the woman with a written record of the hormonal
21 contraceptive patch or the self-administered hormonal
22 contraceptive prescribed and dispensed and advise the woman
23 to consult with a primary care practitioner or women's health
24 care practitioner.

25 (5) If the pharmacist works at a site which, in the regular
26 course of business, has a provider who is a physician,
27 advanced practice registered nurse, or physician assistant
28 who is available to deliver patient care and who is capable of
29 prescribing the hormonal contraceptive patch or
30 self-administered hormonal contraceptive, suggest that the
31 woman see the provider.

32 (6) Administer the screening protocols before issuing each
33 prescription for a hormonal contraceptive patch or
34 self-administered hormonal contraceptive.

35 (7) Provide that a prescription for a contraceptive patch or
36 self-administered hormonal contraceptive may not be for
37 more than a six (6) month period and that the pharmacist may
38 not issue a prescription to the woman after twelve (12) months
39 unless the woman has been seen by a physician, advanced
40 practice registered nurse, or physician assistant in the
41 previous twelve (12) month period.

42 Sec. 6. The board shall adopt rules under IC 4-22-2 that adopt



1 the state health commissioner's standing order under section 5 of
2 this chapter.

3 **Sec. 7. A pharmacist may not require a woman to schedule an**
4 **appointment with the pharmacist for the prescribing or dispensing**
5 **of a hormonal contraceptive patch or self-administered hormonal**
6 **contraceptive.**

7 **Sec. 8. (a) A pharmacist is not required to prescribe or dispense**
8 **a hormonal contraceptive patch or self-administered hormonal**
9 **contraceptive to a woman if the pharmacist:**

10 (1) believes that the hormonal contraceptive patch or
11 self-administered hormonal contraceptive is contraindicated;
12 or

13 (2) objects on ethical, moral, or religious grounds.

14 (b) An individual who is a pharmacy technician, pharmacy
15 technician in training, pharmacist student, or pharmacist intern is
16 not required to dispense a hormonal contraceptive patch or
17 self-administered hormonal contraceptive to a woman if the
18 individual objects on ethical, moral, or religious grounds.

19 **Sec. 9. (a) Notwithstanding IC 25-1-9, the board shall revoke the**
20 **license of a pharmacist if, after appropriate notice and an**
21 **opportunity for a hearing, the attorney general proves by a**
22 **preponderance of the evidence that the pharmacist knowingly or**
23 **intentionally prescribed a drug under this chapter that is intended**
24 **to cause an abortion.**

25 (b) A pharmacist who knowingly or intentionally prescribes a
26 drug under this chapter that is intended to cause an abortion
27 commits a level 5 felony.

28 SECTION 4. IC 34-30-2.1-197.2 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2023]: **Sec. 197.2. IC 16-19-4-12 (Concerning**
31 **issuance of certain standing orders by the state health**
32 **commissioner and designated public health authorities).**

33 SECTION 5. IC 35-52-25-46.8 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2023]: **Sec. 46.8. IC 25-26-25-9 defines a**
36 **crime concerning pharmacists.**

37 SECTION 6. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1568, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-15-1.3-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. Before July 1, 2023, the office shall apply to the United States Department of Health and Human Services to amend the state plan to reimburse a pharmacist for services and prescriptions provided under IC 25-26-25 to an eligible Medicaid recipient.**

SECTION 2. IC 16-19-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12. (a) Subject to IC 25-26-25, before September 1, 2023, the state health commissioner or the commissioner's designated public health authority who is a licensed prescriber shall, as part of the individual's official capacity, issue a standing order that allows a pharmacist to prescribe and dispense a hormonal contraceptive patch (as defined in IC 25-26-25-2) and a self-administered oral hormonal contraceptive (as defined in IC 25-26-25-3).**

(b) A standing order described in subsection (a) must comply with the requirements set forth under IC 25-26-25.

(c) The state health commissioner or designated public health authority who issues a standing order under subsection (a) is immune from civil liability related to the issuing of the standing order."

Page 1, line 10, after "pregnancy." insert "**However, the term does not include a drug, substance, or device that contains a progesterone receptor antagonist.**"

Page 2, line 1, after "pills." insert "**However, the term does not include a drug or substance that contains a progesterone receptor antagonist.**"

Page 2, delete lines 9 through 14, begin a new paragraph and insert:

"Sec. 5. (a) The state health commissioner or designated public health authority shall issue a standing order that concerns standard procedures for the prescribing of hormonal contraceptive patches and self-administered oral hormonal contraceptives by pharmacists and that is effective until the board adopts rules under



this chapter.

(b) Before issuing a standing order under subsection (a), the state health commissioner or designated public health authority shall:

- (1) consult with appropriate medical experts; and
- (2) receive approval of the medical licensing board of Indiana."

Page 2, line 15, delete "(b) The rules adopted" and insert "(c) The standing order issued".

Page 2, line 27, delete "the woman's" and insert "a".

Page 2, line 28, after "or" insert "the".

Page 2, between lines 35 and 36, begin a new line block indented and insert:

"(5) If the pharmacist works at a site which, in the regular course of business, has a provider who is a physician, advanced practice registered nurse, or physician assistant who is available to deliver patient care and who is capable of prescribing the hormonal contraceptive patch or self-administered oral hormonal contraceptive, suggest that the woman see the provider.

(6) Administer the screening protocols before issuing each prescription for a hormonal contraceptive patch or self-administered oral hormonal contraceptive.

(7) Provide that a prescription for a contraceptive patch or self-administered oral hormonal contraceptive may not be for more than a six (6) month period and that the pharmacist may not issue a prescription to the woman after twelve (12) months unless the woman has been seen by a physician, advanced practice registered nurse, or physician assistant in the previous twelve (12) month period.

Sec. 6. The board shall adopt rules under IC 4-22-2 that adopt the state health commissioner's standing order under section 5 of this chapter."

Page 2, line 36, delete "(c) The rules adopted under this section must prohibit a" and insert "Sec. 7. A".

Page 2, line 37, delete "from requiring" and insert "may not require".

Page 2, line 41, delete "Sec. 6." and insert "Sec. 8. (a)".

Page 3, after line 5, begin a new paragraph and insert:

"(b) An individual who is a pharmacy technician, pharmacy technician in training, pharmacist student, or pharmacist intern is not required to dispense a hormonal contraceptive patch or



self-administered oral hormonal contraceptive to a woman if the individual objects on ethical, moral, or religious grounds.

Sec. 9. (a) Notwithstanding IC 25-1-9, the board shall revoke the license of a pharmacist if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the pharmacist knowingly or intentionally prescribed a drug under this chapter that is intended to cause an abortion.

(b) A pharmacist who knowingly or intentionally prescribes a drug under this chapter that is intended to cause an abortion commits a level 5 felony.

SECTION 4. IC 34-30-2.1-197.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 197.2. IC 16-19-4-12 (Concerning issuance of certain standing orders by the state health commissioner and designated public health authorities).**

SECTION 5. IC 35-52-25-46.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 46.8. IC 25-26-25-9 defines a crime concerning pharmacists.**

SECTION 6. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1568 as introduced.)

BARRETT

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1568 be amended to read as follows:

Page 1, line 16, delete "oral".

Page 2, line 19, delete "oral".

Page 2, line 24, delete "take".

Page 2, line 25, delete "orally to".

Page 2, line 30, delete "oral".

Page 2, line 35, delete "oral".

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Page 2, line 39, delete "oral".
Page 3, line 7, delete "oral".
Page 3, line 11, delete "oral".
Page 3, line 15, delete "oral".
Page 3, line 20, delete "oral".
Page 3, line 22, delete "oral".
Page 3, line 31, delete "oral".
Page 3, line 35, delete "oral".
Page 3, line 37, delete "oral".
Page 4, line 6, delete "oral".
Page 4, line 9, delete "oral".
Page 4, line 12, delete "oral".
Page 4, line 18, delete "oral".

(Reference is to HB 1568 as printed February 14, 2023.)

NEGELE

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1568, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1568 as reprinted February 17, 2023.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 2

