
HOUSE BILL No. 1568

AM156809 has been incorporated into February 17, 2023 printing.

Synopsis: Prescription for hormonal contraceptives.

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HB 1568—LS 7414/DI 77



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Reprinted
February 17, 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.

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

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

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

17 SECTION 2. IC 25-26-25 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]:

3 **Chapter 25. Hormonal Contraceptives**

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

5 **Sec. 2. As used in this chapter, "hormonal contraceptive**
6 **patch" means a transdermal patch applied to the skin of a woman,**
7 **by the woman or by a pharmacist, that releases a drug composed**
8 **of a combination of hormones that is approved by the federal Food**
9 **and Drug Administration to prevent pregnancy. However, the term**
10 **does not include a drug, substance, or device that contains a**
11 **progesterone receptor antagonist.**

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

- 14 (1) **composed of a hormone or a combination of hormones**
15 **that is approved by the federal Food and Drug**
16 **Administration to prevent pregnancy; and**
17 (2) **that the woman to whom the drug is prescribed may**
18 **administer to herself.**

19 **The term includes hormonal contraceptive pills. However, the term**
20 **does not include a drug or substance that contains a progesterone**
21 **receptor antagonist.**

22 **Sec. 4. A pharmacist may prescribe and dispense hormonal**
23 **contraceptive patches and self-administered hormonal**
24 **contraceptives to a woman who is at least eighteen (18) years of**
25 **age, regardless of whether the woman has evidence of a previous**
26 **prescription from a primary care practitioner or women's health**
27 **care practitioner for a hormonal contraceptive patch or**
28 **self-administered hormonal contraceptive.**

29 **Sec. 5. (a) The state health commissioner or designated public**
30 **health authority shall issue a standing order that concerns**
31 **standard procedures for the prescribing of hormonal contraceptive**
32 **patches and self-administered hormonal contraceptives by**
33 **pharmacists and that is effective until the board adopts rules under**
34 **this chapter.**

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

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

41 **(c) The standing order issued under this section must require**
42 **a pharmacist who elects to prescribe hormonal contraceptive**

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1 patches and self-administered hormonal contraceptives to do the
2 following:

3 (1) Complete a training program approved by the board that
4 is related to prescribing hormonal contraceptive patches and
5 self-administered hormonal contraceptives. The board may
6 adopt a training program developed by another state.

7 (2) Provide a self-screening risk assessment tool that the
8 woman must use before the pharmacist's prescribing of the
9 hormonal contraceptive patch or self-administered hormonal
10 contraceptive.

11 (3) Refer the woman to a primary care practitioner or the
12 women's health care practitioner upon prescribing and
13 dispensing the hormonal contraceptive patch or
14 self-administered hormonal contraceptive.

15 (4) Provide the woman with a written record of the hormonal
16 contraceptive patch or the self-administered hormonal
17 contraceptive prescribed and dispensed and advise the
18 woman to consult with a primary care practitioner or
19 women's health care practitioner.

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

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

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

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

40 Sec. 7. A pharmacist may not require a woman to schedule an
41 appointment with the pharmacist for the prescribing or dispensing
42 of a hormonal contraceptive patch or self-administered hormonal

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1 **contraceptive.**
2 **Sec. 8. (a) A pharmacist is not required to prescribe or**
3 **dispense a hormonal contraceptive patch or self-administered**
4 **hormonal contraceptive to a woman if the pharmacist:**
5 **(1) believes that the hormonal contraceptive patch or**
6 **self-administered hormonal contraceptive is contraindicated;**
7 **or**
8 **(2) objects on ethical, moral, or religious grounds.**
9 **(b) An individual who is a pharmacy technician, pharmacy**
10 **technician in training, pharmacist student, or pharmacist intern is**
11 **not required to dispense a hormonal contraceptive patch or**
12 **self-administered hormonal contraceptive to a woman if the**
13 **individual objects on ethical, moral, or religious grounds.**
14 **Sec. 9. (a) Notwithstanding IC 25-1-9, the board shall revoke**
15 **the license of a pharmacist if, after appropriate notice and an**
16 **opportunity for a hearing, the attorney general proves by a**
17 **preponderance of the evidence that the pharmacist knowingly or**
18 **intentionally prescribed a drug under this chapter that is intended**
19 **to cause an abortion.**
20 **(b) A pharmacist who knowingly or intentionally prescribes a**
21 **drug under this chapter that is intended to cause an abortion**
22 **commits a level 5 felony.**
23 **SECTION 3. IC 34-30-2.1-197.2 IS ADDED TO THE INDIANA**
24 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
25 **[EFFECTIVE JULY 1, 2023]: Sec. 197.2. IC 16-19-4-12 (Concerning**
26 **issuance of certain standing orders by the state health**
27 **commissioner and designated public health authorities).**
28 **SECTION 4. IC 35-52-25-46.8 IS ADDED TO THE INDIANA**
29 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
30 **[EFFECTIVE JULY 1, 2023]: Sec. 46.8. IC 25-26-25-9 defines a**
31 **crime concerning pharmacists.**
32 **SECTION 5. An emergency is declared for this act.**

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