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HOUSE BILL No. 1568

AM156811 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.

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

HB 1568—LS 7414/DI 77



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1 (b) A standing order described in subsection (a) must do the
2 following:

3 (1) Require the pharmacist to take and document the
4 individual's blood pressure and heart rate at each visit.

5 (2) Set forth an appropriate screening tool for a pharmacist
6 to use to prescribe a hormonal contraceptive patch or
7 self-administered hormonal contraceptive.

8 (3) Require the pharmacist to operate under a collaborative
9 agreement with a physician if prescribing a hormonal
10 contraceptive patch or self-administered hormonal
11 contraceptive to a patient who has not been issued a
12 prescription for the contraceptive in the previous two (2)
13 years by a physician license under IC 25-22.5.

14 (4) Comply with the requirements set forth under
15 IC 25-26-25.

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

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

23 **Chapter 25. Hormonal Contraceptives**

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

25 **Sec. 2.** As used in this chapter, "hormonal contraceptive
26 patch" means a transdermal patch applied to the skin of a woman,
27 by the woman or by a pharmacist, that releases a drug composed
28 of a combination of hormones that is approved by the federal Food
29 and Drug Administration to prevent pregnancy. However, the term
30 does not include a drug, substance, or device that contains a
31 progesterone receptor antagonist.

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

34 (1) composed of a hormone or a combination of hormones
35 that is approved by the federal Food and Drug
36 Administration to prevent pregnancy; and

37 (2) that the woman to whom the drug is prescribed may
38 administer to herself.

39 The term includes hormonal contraceptive pills. However, the term
40 does not include a drug or substance that contains a progesterone
41 receptor antagonist.

42 **Sec. 4.** (a) A pharmacist may prescribe and dispense hormonal

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HB 1568—LS 7414/DI 77



1 **contraceptive patches and self-administered hormonal**
 2 **contraceptives if the following conditions are met:**

3 **(1) At least one (1) of the following is met:**

4 **(A) The pharmacist has entered into and is operating in**
 5 **accordance with a collaborative agreement with a**
 6 **physician that meets the requirements set forth in**
 7 **subsection (b).**

8 **(B) The pharmacist is prescribing and dispensing a**
 9 **similar hormonal contraceptive patch or a**
 10 **self-administered hormonal contraceptive to a patient**
 11 **who has been issued a prescription for the hormonal**
 12 **contraceptive patch or self-administered hormonal**
 13 **contraceptive in the previous two (2) years by a**
 14 **physician licensed under IC 25-22.5.**

15 **(2) The pharmacist is prescribing and dispensing the**
 16 **hormonal contraceptive patch or self-administered hormonal**
 17 **contraceptive for a woman who is at least eighteen (18) years**
 18 **of age, regardless of whether the woman has evidence of a**
 19 **previous prescription from a primary care practitioner or**
 20 **women's health care practitioner for a hormonal**
 21 **contraceptive patch or self-administered hormonal**
 22 **contraceptive.**

23 **(b) The state health commissioner or the commissioner's**
 24 **designated public authority shall, in consultation with physician**
 25 **medical experts, establish requirements that a collaborative**
 26 **agreement under subsection (a) must meet, including at least the**
 27 **following:**

28 **(1) Be entered into between a pharmacist and a physician**
 29 **licensed under IC 25-22.5 who prescribes hormonal**
 30 **contraceptive patches or self-administered hormonal**
 31 **contraceptive.**

32 **(2) Be in writing and submitted to the medical licensing**
 33 **board of Indiana.**

34 **(3) Include a provision that requires the physician to review:**

35 **(A) the first fifty (50) prescription charts of the**
 36 **pharmacist who the physician has entered into a**
 37 **collaborative agreement with; and**

38 **(B) at least twenty-five percent (25%) of the**
 39 **pharmacist's prescription charts following the fifty (50)**
 40 **prescriptions charts described in clause (A).**

41 **(4) Include a plan for patients that fall outside of the**
 42 **standing order or rules adopted by the board.**



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- 1 **(5) Includes a referral plan and a provision that allows a**
- 2 **patient to elect to be seen, examined, and treated by the**
- 3 **collaborating physician.**
- 4 **(6) Requires the pharmacist to contact the collaborating**
- 5 **physician or the collaborating physician's designee if the**
- 6 **pharmacist determines that a patient needs to be examined**
- 7 **by a physician.**
- 8 **(7) Includes a plan for a patient who has an emergency**
- 9 **medical incident.**
- 10 **(c) The collaborating physician shall submit the collaborative**
- 11 **agreement with a pharmacist and any amendment to the**
- 12 **collaborative agreement to the medical licensing board of Indiana.**
- 13 **The medical licensing board of Indiana shall notify the**
- 14 **collaborating physician and the pharmacist if the medical licensing**
- 15 **board of Indiana denies the collaborative agreement. If the**
- 16 **collaborative agreement is denied by the medical licensing board**
- 17 **of Indiana, the pharmacist shall immediately stop prescribing a**
- 18 **hormonal contraceptive patch or self-administered hormonal**
- 19 **contraceptive under this chapter.**
- 20 **(d) A collaborating physician or pharmacist who enters into a**
- 21 **collaborative agreement may be disciplined by the regulating**
- 22 **board under IC 25-1-9 for wilfully violating the collaborative**
- 23 **agreement.**
- 24 **Sec. 5. (a) The state health commissioner or designated public**
- 25 **health authority shall issue a standing order that concerns**
- 26 **standard procedures for the prescribing of hormonal contraceptive**
- 27 **patches and self-administered hormonal contraceptives by**
- 28 **pharmacists and that is effective until the board adopts rules under**
- 29 **this chapter.**
- 30 **(b) Before issuing a standing order under subsection (a), the**
- 31 **state health commissioner or designated public health authority**
- 32 **shall:**
- 33 **(1) consult with appropriate medical experts; and**
- 34 **(2) receive approval of the medical licensing board of**
- 35 **Indiana.**
- 36 **(c) The standing order issued under this section must require**
- 37 **a pharmacist who elects to prescribe hormonal contraceptive**
- 38 **patches and self-administered hormonal contraceptives to do the**
- 39 **following:**
- 40 **(1) Complete a training program approved by the board that**
- 41 **is related to prescribing hormonal contraceptive patches and**
- 42 **self-administered hormonal contraceptives. The board may**

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1 adopt a training program developed by another state.

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

6 (3) Refer the woman to a primary care practitioner or the
7 women's health care practitioner upon prescribing and
8 dispensing the hormonal contraceptive patch or
9 self-administered hormonal contraceptive.

10 (4) Provide the woman with a written record of the hormonal
11 contraceptive patch or the self-administered hormonal
12 contraceptive prescribed and dispensed and advise the
13 woman to consult with a primary care practitioner or
14 women's health care practitioner.

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

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

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

32 **Sec. 6.** The board, in consultation with the medical licensing
33 board of Indiana, shall adopt rules under IC 4-22-2 that adopt the
34 state health commissioner's or designated public health authority's
35 standing order under section 5 of this chapter. The board may not
36 adopt any rules under this section that conflict with the standing
37 order issued by the state health commissioner or designated public
38 health authority.

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

HB 1568—LS 7414/DI 77



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

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