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HOUSE BILL No. 1568

Proposed Changes to February 17, 2023 printing by AM156812

DIGEST OF PROPOSED AMENDMENT

Medically underserved area. Requires a standing order for the prescribing by pharmacists of certain hormonal contraceptives to only be allowed in a medically underserved area. Allows for a pharmacist to prescribe specified hormonal contraceptives only in a medically underserved area.

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).**

18 (b) A standing order described in subsection (a) must:

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1 (1) apply only to services provided in a medically
 2 underserved area, as designated by the federal Health
 3 Resources & Services Administration; and
 4 (2) comply with the requirements set forth under
 5 IC 25-26-25.

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

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

13 **Chapter 25. Hormonal Contraceptives**

14 **Sec. 0.5. This chapter applies only to a pharmacist providing**
 15 **services in a medically underserved area, as designated by the**
 16 **federal Health Resources & Services Administration.**

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

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

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

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

30 (2) that the woman to whom the drug is prescribed may
 31 administer to herself.

32 The term includes hormonal contraceptive pills. However, the term
 33 does not include a drug or substance that contains a progesterone
 34 receptor antagonist.

35 **Sec. 4.** A pharmacist may prescribe and dispense hormonal
 36 contraceptive patches and self-administered hormonal
 37 contraceptives [in a medically underserved area and] to a woman
 38 who is at least eighteen (18) years of age, regardless of whether the
 39 woman has evidence of a previous prescription from a primary
 40 care practitioner or women's health care practitioner for a
 41 hormonal contraceptive patch or self-administered hormonal
 42 contraceptive.

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

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

10 **(1) consult with appropriate medical experts; and**

11 **(2) receive approval of the medical licensing board of**
12 **Indiana.**

13 **(c) The standing order issued under this section must require**
14 **a pharmacist who elects to prescribe hormonal contraceptive**
15 **patches and self-administered hormonal contraceptives to do the**
16 **following:**

17 **(1) Complete a training program approved by the board that**
18 **is related to prescribing hormonal contraceptive patches and**
19 **self-administered hormonal contraceptives. The board may**
20 **adopt a training program developed by another state.**

21 **(2) Provide a self-screening risk assessment tool that the**
22 **woman must use before the pharmacist's prescribing of the**
23 **hormonal contraceptive patch or self-administered hormonal**
24 **contraceptive.**

25 **(3) Refer the woman to a primary care practitioner or the**
26 **women's health care practitioner upon prescribing and**
27 **dispensing the hormonal contraceptive patch or**
28 **self-administered hormonal contraceptive.**

29 **(4) Provide the woman with a written record of the hormonal**
30 **contraceptive patch or the self-administered hormonal**
31 **contraceptive prescribed and dispensed and advise the**
32 **woman to consult with a primary care practitioner or**
33 **women's health care practitioner.**

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

41 **(6) Administer the screening protocols before issuing each**
42 **prescription for a hormonal contraceptive patch or**

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1 self-administered hormonal contraceptive.

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

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

12 Sec. 7. A pharmacist may not require a woman to schedule an
 13 appointment with the pharmacist for the prescribing or dispensing
 14 of a hormonal contraceptive patch or self-administered hormonal
 15 contraceptive.

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

19 (1) believes that the hormonal contraceptive patch or
 20 self-administered hormonal contraceptive is contraindicated;

21 or

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

23 (b) An individual who is a pharmacy technician, pharmacy
 24 technician in training, pharmacist student, or pharmacist intern is
 25 not required to dispense a hormonal contraceptive patch or
 26 self-administered hormonal contraceptive to a woman if the
 27 individual objects on ethical, moral, or religious grounds.

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

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

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

42 SECTION 5. IC 35-52-25-46.8 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2023]: **Sec. 46.8. IC 25-26-25-9 defines a**
3 **crime concerning pharmacists.**
4 SECTION 6. **An emergency is declared for this act.**

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