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HOUSE BILL No. 1568

AM156813 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).**

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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
13 patch" means a transdermal patch applied to the skin of a woman,
14 by the woman or by a pharmacist, that releases a drug composed
15 of a combination of hormones that is approved by the federal Food
16 and 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
- 23 Administration 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

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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
 5 Indiana.
 6 (c) The standing order issued under this section must require
 7 a pharmacist who elects to prescribe hormonal contraceptive
 8 patches and self-administered hormonal contraceptives to do the
 9 following:
 10 (1) Complete a training program approved by the board that
 11 is related to prescribing hormonal contraceptive patches and
 12 self-administered hormonal contraceptives. The board may
 13 adopt a training program developed by another state.
 14 (2) Provide a self-screening risk assessment tool that the
 15 woman must use before the pharmacist's prescribing of the
 16 hormonal contraceptive patch or self-administered hormonal
 17 contraceptive.
 18 (3) Refer the woman to a primary care practitioner or the
 19 women's health care practitioner upon prescribing and
 20 dispensing the hormonal contraceptive patch or
 21 self-administered hormonal contraceptive.
 22 (4) Provide the woman with a written record of the hormonal
 23 contraceptive patch or the self-administered hormonal
 24 contraceptive prescribed and dispensed and advise the
 25 woman to consult with a primary care practitioner or
 26 women's health care practitioner.
 27 (5) If the pharmacist works at a site which, in the regular
 28 course of business, has a provider who is a physician,
 29 advanced practice registered nurse, or physician assistant
 30 who is available to deliver patient care and who is capable of
 31 prescribing the hormonal contraceptive patch or
 32 self-administered hormonal contraceptive, suggest that the
 33 woman see the provider.
 34 (6) Administer the screening protocols before issuing each
 35 prescription for a hormonal contraceptive patch or
 36 self-administered hormonal contraceptive.
 37 (7) Provide that a prescription for a contraceptive patch or
 38 self-administered hormonal contraceptive may not be for
 39 more than a six (6) month period and that the pharmacist
 40 may not issue a prescription to the woman after twelve (12)
 41 months unless the woman has been seen by a physician,
 42 advanced practice registered nurse, or physician assistant in

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1 the previous twelve (12) month period.
 2 (8) Inform the woman verbally and in writing of the
 3 following before prescribing a hormonal contraceptive patch
 4 or self-administered hormonal contraceptive:
 5 (A) The woman's options for birth control, including the
 6 following fertility awareness-based methods:
 7 (i) Sympto-thermal.
 8 (ii) Sympto-hormonal.
 9 (iii) Cervical mucus.
 10 (B) Fertility awareness-based method instruction may
 11 be obtained from a health care provider with training on
 12 this method.
 13 If the woman requests more information concerning fertility
 14 awareness-based methods, the pharmacist shall refer the
 15 woman to a health care provider with training on this
 16 method.
 17 (d) The training required in subsection (c)(1) must include
 18 training on options for family planning, including fertility
 19 awareness-based family planning methods.
 20 Sec. 6. The board shall adopt rules under IC 4-22-2 that adopt
 21 the state health commissioner's standing order under section 5 of
 22 this chapter.
 23 Sec. 7. A pharmacist may not require a woman to schedule an
 24 appointment with the pharmacist for the prescribing or dispensing
 25 of a hormonal contraceptive patch or self-administered hormonal
 26 contraceptive.
 27 Sec. 8. (a) A pharmacist is not required to prescribe or
 28 dispense a hormonal contraceptive patch or self-administered
 29 hormonal contraceptive to a woman if the pharmacist:
 30 (1) believes that the hormonal contraceptive patch or
 31 self-administered hormonal contraceptive is contraindicated;
 32 or
 33 (2) objects on ethical, moral, or religious grounds.
 34 (b) An individual who is a pharmacy technician, pharmacy
 35 technician in training, pharmacist student, or pharmacist intern is
 36 not required to dispense a hormonal contraceptive patch or
 37 self-administered hormonal contraceptive to a woman if the
 38 individual objects on ethical, moral, or religious grounds.
 39 Sec. 9. (a) Notwithstanding IC 25-1-9, the board shall revoke
 40 the license of a pharmacist if, after appropriate notice and an
 41 opportunity for a hearing, the attorney general proves by a
 42 preponderance of the evidence that the pharmacist knowingly or

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1 intentionally prescribed a drug under this chapter that is intended
 2 to cause an abortion.
 3 (b) A pharmacist who knowingly or intentionally prescribes a
 4 drug under this chapter that is intended to cause an abortion
 5 commits a level 5 felony.
 6 SECTION 4. IC 34-30-2.1-197.2 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2023]: **Sec. 197.2. IC 16-19-4-12 (Concerning**
 9 **issuance of certain standing orders by the state health**
 10 **commissioner and designated public health authorities).**
 11 SECTION 5. IC 35-52-25-46.8 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2023]: **Sec. 46.8. IC 25-26-25-9 defines a**
 14 **crime concerning pharmacists.**
 15 SECTION 6. An emergency is declared for this act.

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