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HOUSE BILL No. 1568

Proposed Changes to February 17, 2023 printing by AM156813

DIGEST OF PROPOSED AMENDMENT

Information. Requires a pharmacist to provide certain information about a woman's options for birth control before prescribing a hormonal contraceptive patch or self-administered hormonal contraceptive. Sets forth requirements for training on options for family planning.

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 comply
19 with the requirements set forth under IC 25-26-25.
20 (c) The state health commissioner or designated public health

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1 authority who issues a standing order under subsection (a) is
2 immune from civil liability related to the issuing of the standing
3 order.

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

7 **Chapter 25. Hormonal Contraceptives**

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

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

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

18 (1) **composed of a hormone or a combination of hormones**
19 **that is approved by the federal Food and Drug**
20 **Administration to prevent pregnancy; and**

21 (2) **that the woman to whom the drug is prescribed may**
22 **administer to herself.**

23 **The term includes hormonal contraceptive pills. However, the term**
24 **does not include a drug or substance that contains a progesterone**
25 **receptor antagonist.**

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

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

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

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

43 (2) **receive approval of the medical licensing board of**
44 **Indiana.**

45 (c) **The standing order issued under this section must require**
46 **a pharmacist who elects to prescribe hormonal contraceptive**
47 **patches and self-administered hormonal contraceptives to do the**
48 **following:**

49 (1) **Complete a training program approved by the board that**

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1 is related to prescribing hormonal contraceptive patches and
 2 self-administered hormonal contraceptives. The board may
 3 adopt a training program developed by another state.

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

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

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

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

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

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

34 **(8) Inform the woman verbally and in writing of the**
 35 **following before prescribing a hormonal contraceptive patch**
 36 **or self-administered hormonal contraceptive:**

37 **(A) The woman's options for birth control, including the**
 38 **following fertility awareness-based methods:**

39 **(i) Sympto-thermal.**

40 **(ii) Sympto-hormonal.**

41 **(iii) Cervical mucus.**

42 **(B) Fertility awareness-based method instruction may**
 43 **be obtained from a health care provider with training on this**
 44 **method.**

45 **If the woman requests more information concerning fertility**
 46 **awareness-based methods, the pharmacist shall refer the**
 47 **woman to a health care provider with training on this**
 48 **method.**

49 **(d) The training required in subsection (c)(1) must include**

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1 [training on options for family planning, including fertility](#)
2 [awareness-based family planning methods.](#)

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

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

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

13 **(1) believes that the hormonal contraceptive patch or**
14 **self-administered hormonal contraceptive is contraindicated;**

15 **or**

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

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

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

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

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

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

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

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