

CHAPTER 2

AN ACT concerning contraceptives and supplementing P.L.2003, c.280 (C.45:14-40 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.45:14-67.9 Pharmacist authorized, self-administered hormonal contraceptives.

1. a. Notwithstanding any other law to the contrary, a pharmacist shall be authorized to furnish self-administered hormonal contraceptives to a patient, in accordance with standardized procedures and protocols to be jointly developed and approved by the Board of Pharmacy and the State Board of Medical Examiners, in consultation with the American Congress of Obstetricians and Gynecologists, the New Jersey Pharmacists Association, and other appropriate entities, and in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and the provisions of this subsection.

b. At a minimum, the standardized procedures and protocols adopted under this subsection shall:

(1) require a pharmacist, as a condition of furnishing self-administered hormonal contraceptives to patients pursuant to this section, to:

(i) complete a training program jointly approved by the Board of Pharmacy and the State Board of Medical Examiners; and

(ii) affirm, in writing, that he or she has completed appropriate training and will follow pertinent guidelines offered by the federal Centers for Disease Control and Prevention, including the United States Medical Eligibility Criteria for Contraceptive Use, which written affirmation shall be retained by the pharmacist as a medical record, in a manner and for such periods of time, as required by law;

(2) provide for the issuance of a standing order authorizing pharmacists in this State to furnish self-administered hormonal contraceptives to patients without an individual prescription;

(3) identify the self-administered hormonal contraceptives that a pharmacist will be authorized to furnish to patients pursuant to the standing order;

(4) require a pharmacist to make clinical decisions that are free from any financial influence imposed by insurance providers, contraceptive product manufacturers, and other parties having a financial interest in the disbursement or non-disbursement of self-administered hormonal contraceptives;

(5) require a patient, prior to obtaining a self-administered hormonal contraceptive pursuant to this section, to be evaluated through the administration of a questionnaire by the dispensing pharmacist, which questionnaire shall be developed by the Department of Health, that will identify patient risk factors for the use of self-administered hormonal contraceptives, based on the current United States Medical Eligibility Criteria for Contraceptive Use. The patient's responses to the written questionnaire shall be retained as a medical record, in a manner and for such periods of time, as required by law;

(6) require a pharmacist to offer to provide counseling to a patient about other forms of contraception that have been approved by the federal Food and Drug Administration, and, if the patient accepts the offer for counseling, require the pharmacist to provide the patient with specific and appropriate information about such other forms of contraception, based on the results of the questionnaire administered pursuant to paragraph (5) of this subsection; and

(7) require a pharmacist, upon furnishing a self-administered hormonal contraceptive to a patient, or upon determining that a self-administered hormonal contraceptive is not recommended, to refer the patient to the patient's primary care provider, or, if the patient does not have a primary care provider, to an appropriate and nearby medical clinic.

c. The Board of Pharmacy and the Board of Medical Examiners are each authorized to ensure compliance with the provisions of this section, and each board is specifically charged with the enforcement of this section as applied to its respective licensees.

d. As used in this section, “self-administered hormonal contraceptive” means any oral, transdermal, or vaginal contraceptive product, including, but not limited to, birth control pills, vaginal rings, and diaphragms.

e. Nothing in this section shall be construed to expand the authority of a pharmacist to prescribe any prescription medication. The requirements of this section shall not apply to a pharmacist dispensing a self-administered hormonal contraceptive pursuant to an individual prescription issued by a health care practitioner authorized to prescribe self-administered hormonal contraceptives in the course of professional practice.

C.45:14-67.10 Public awareness campaign established.

2. The Commissioner of Health shall establish a public awareness campaign to inform the general public concerning the ability to obtain self-administered hormonal contraceptives from a pharmacy without an individual prescription pursuant to the provisions of section 1 of P.L.2023, c.2 (C.45:14-67.9). There shall be appropriated to the Department of Health such funding as shall be necessary to implement the provisions of this section.

3. This act shall take effect on the first day of the fourth month next following the date of enactment, except that the Board of Pharmacy and the State Board of Medical Examiners may take any administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 13, 2023.