

[First Reprint]

SENATE, No. 275

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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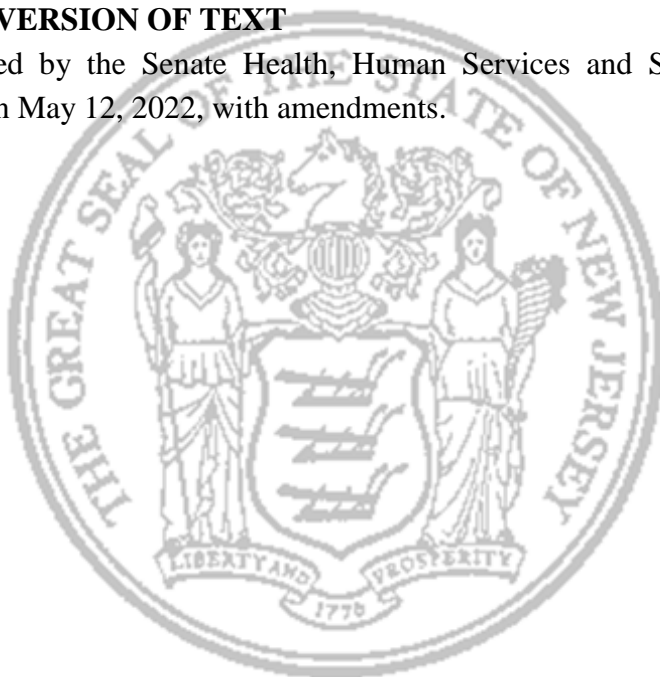
Senator Ruiz

SYNOPSIS

Permits pharmacists to furnish self-administered hormonal contraceptives pursuant to a standing order, in accordance with protocols established by Board of Pharmacy and Board of Medical Examiners.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 12, 2022, with amendments.



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

3

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

6

7 1. a. Notwithstanding any other law to the contrary, a
8 pharmacist shall be authorized to furnish self-administered
9 hormonal contraceptives to a patient, in accordance with
10 standardized procedures and protocols to be jointly developed and
11 approved by the Board of Pharmacy and the State Board of Medical
12 Examiners, in consultation with the American Congress of
13 Obstetricians and Gynecologists, the New Jersey Pharmacists
14 Association, and other appropriate entities, and in accordance with
15 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
16 1 et seq.) and the provisions of this subsection.

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

19 (1) require a pharmacist, as a condition of furnishing self-
20 administered hormonal contraceptives to patients pursuant to this
21 section, to complete a training program jointly approved by the
22 Board of Pharmacy and the State Board of Medical Examiners;

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

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

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

34 (5) require a patient, prior to obtaining a self-administered
35 hormonal contraceptive pursuant to this section, to use a self-
36 screening tool that will identify patient risk factors for the use of
37 self-administered hormonal contraceptives, based on the current
38 United States Medical Eligibility Criteria for Contraceptive Use
39 (US MEC) developed by the federal Centers for Disease Control
40 and Prevention;

41 (6) require a pharmacist to offer to provide counseling to a
42 patient about other forms of contraception that have been approved
43 by the federal Food and Drug Administration, and, if the patient
44 accepts the offer for counseling, require the pharmacist to provide

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted May 12, 2022.

1 the patient with specific and appropriate information about such
2 other forms of contraception, based on the results of the self-
3 screening tool administered pursuant to paragraph (5) of this
4 subsection; and

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

11 c. The Board of Pharmacy and the Board of Medical
12 Examiners are ¹~~["both"]~~ each¹ authorized to ensure compliance with
13 the provisions of this section, and each board is specifically charged
14 with the enforcement of this section as applied to its respective
15 licensees.

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

20 e. Nothing in this section shall be ¹~~["deemed"]~~ construed¹ to
21 expand the authority of a pharmacist to prescribe any prescription
22 medication. ¹The requirements of this section shall not apply to a
23 pharmacist dispensing a self-administered hormonal contraceptive
24 pursuant to an individual prescription issued by a health care
25 practitioner authorized to prescribe self-administered hormonal
26 contraceptives in the course of professional practice.¹

27
28 2. The Commissioner of Health shall establish a public
29 awareness campaign to inform the general public concerning the
30 ability to obtain self-administered hormonal contraceptives from a
31 pharmacy without an individual prescription pursuant to the
32 provisions of section 1 of P.L. , c. (C.) (pending before the
33 Legislature as this bill). There shall be appropriated to the
34 Department of Health such funding as shall be necessary to
35 implement the provisions of this section.

36
37 3. This act shall take effect on the first day of the fourth month
38 next following the date of enactment, except that the Board of
39 Pharmacy and the State Board of Medical Examiners may take any
40 administrative action in advance thereof as shall be necessary for
41 the implementation of this act.