

# SENATE, No. 1066

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Permits pharmacists to provide self-administered hormonal contraceptives to patients over the counter.

**CURRENT VERSION OF TEXT**

As introduced.



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 may furnish self-administered hormonal contraceptives  
9 in accordance with rules adopted by the Board of Pharmacy  
10 pursuant to subsection b. of this section.

11 b. The Board of Pharmacy shall, pursuant to the  
12 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
13 seq.), and in consultation with the State Board of Medical  
14 Examiners and in consideration of guidelines established by the  
15 American Congress of Obstetricians and Gynecologists, adopt rules  
16 to establish standard procedures for the furnishing of self-  
17 administered hormonal contraceptives by pharmacists. These  
18 procedures shall require pharmacists to:

19 (1) prior to providing a person with a self-administered  
20 hormonal contraceptive, require the person to use a self-screening  
21 tool that identifies patient risk factors for the use of self-  
22 administered hormonal contraceptives, based on the current United  
23 States Medical Eligibility Criteria (US MEC) for Contraceptive Use  
24 developed by the federal Centers for Disease Control and  
25 Prevention;

26 (2) offer to provide the person with counseling regarding other  
27 forms of contraception approved by the federal Food and Drug  
28 Administration; if the person accepts such offer of counseling or  
29 otherwise requests counseling on other forms of contraception, the  
30 pharmacist may include any information specific to the person as  
31 may be appropriate based on the results of the self-screening tool;  
32 and

33 (3) upon furnishing a self-administered hormonal contraceptive  
34 or determining that a self-administered hormonal contraceptive is  
35 not recommended, refer the person to the person’s primary care  
36 provider or to an appropriate medical clinic.

37 c. Nothing in this section shall be construed to expand the  
38 authority of a pharmacist to prescribe prescription medications.

39 d. As used in this section, “self-administered hormonal  
40 contraceptives” shall include oral, transdermal, and vaginal  
41 contraceptive products.

42  
43 2. This act shall take effect on the first day of the fourth month  
44 next following the date of enactment, except that the Board of  
45 Pharmacy may take any administrative action in advance thereof as  
46 shall be necessary for the implementation of this act.

**STATEMENT**

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3       This bill permits pharmacists to furnish self-administered  
4 hormonal contraceptives pursuant to procedures adopted by the  
5 Board of Pharmacy (Board). These procedures are to be established  
6 by regulation pursuant to the “Administrative Procedure Act,” in  
7 consultation with the State Board of Medical Examiners and in  
8 consideration of guidelines established by the American Congress  
9 of Obstetricians and Gynecologists. Self-administered hormonal  
10 contraceptives will include oral, transdermal, and vaginal  
11 contraceptive products.  
12       Specifically, pharmacists will be required, prior to providing a  
13 person with a self-administered hormonal contraceptive, to require  
14 the person to use a self-screening tool that identifies patient risk  
15 factors for the use of self-administered hormonal contraceptives.  
16 Pharmacists will also be required to offer counseling to the person  
17 regarding other forms of contraception approved by the federal  
18 Food and Drug Administration; if the person accepts or requests  
19 this counseling, the counseling is to include appropriate information  
20 specific to the person based on the results of the self-screening tool.  
21 Upon furnishing a self-administered hormonal contraceptive or  
22 determining that a self-administered hormonal contraceptive is not  
23 recommended, the pharmacist will be required to refer the person to  
24 the person’s primary care provider or to an appropriate medical  
25 clinic.  
26       Nothing in the bill is to be construed to expand the authority of a  
27 pharmacist to prescribe prescription medication.  
28       California and Oregon have enacted laws similar to this bill that  
29 expand access to self-administered hormonal contraceptives.