



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1001(ss) be amended to read as follows:

- 1 Page 30, between lines 3 and 4, begin a new paragraph and insert:
- 2 "SECTION 12. IC 25-26-25 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 25. Pharmacist Authority to Prescribe Hormonal**
- 6 **Contraceptives**
- 7 **Sec. 1. It is the policy of the state to promote and support**
- 8 **measures that will reduce the number of abortions in Indiana.**
- 9 **Sec. 2. The definitions in IC 25-26-13-2 apply to this chapter.**
- 10 **Sec. 3. As used in this chapter, "health plan" means:**
- 11 **(1) a policy of accident and sickness insurance (as defined in**
- 12 **IC 27-8-5-1); or**
- 13 **(2) an individual contract or a group contract with a health**
- 14 **maintenance organization under IC 27-13;**
- 15 **that is issued, delivered, executed, entered into, or renewed in**
- 16 **Indiana after this chapter takes effect.**
- 17 **Sec. 4. As used in this chapter, "hormonal contraceptive patch"**
- 18 **means a transdermal patch applied to the skin of a patient, by the**
- 19 **patient or by a pharmacist, that releases a drug composed of a**
- 20 **combination of hormones that is approved by the federal Food and**
- 21 **Drug Administration to prevent pregnancy.**
- 22 **Sec. 5. As used in this chapter, "self-administered oral hormonal**

1       **contraceptive" means a drug:**

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

5           **(2) that the patient to whom the drug is prescribed may**  
 6           **administer to herself by oral administration.**

7       **The term includes hormonal contraceptive pills.**

8       **Sec. 6. A pharmacist who meets the requirements set forth in**  
 9       **this chapter may prescribe and dispense hormonal contraceptive**  
 10       **patches and self-administered oral hormonal contraceptives to a**  
 11       **patient who is at least eighteen (18) years of age, regardless of**  
 12       **whether the patient has evidence of a previous prescription from**  
 13       **a primary care practitioner or women's health care practitioner**  
 14       **for a hormonal contraceptive patch or self-administered oral**  
 15       **hormonal contraceptive.**

16       **Sec. 7. (a) Before January 1, 2023, the board shall adopt rules**  
 17       **under IC 4-22-2:**

18           **(1) in consultation with the state department of health;**

19           **(2) in consideration of guidelines established by federal**  
 20           **Centers for Disease Control and Prevention; and**

21           **(3) with the approval of the medical licensing board of**  
 22           **Indiana;**

23       **to establish standard procedures for the prescribing of hormonal**  
 24       **contraceptive patches and self-administered oral hormonal**  
 25       **contraceptives by pharmacists.**

26       **(b) The rules adopted under this section must provide that a**  
 27       **pharmacist, to prescribe and dispense hormonal contraceptive**  
 28       **patches and self-administered oral hormonal contraceptives under**  
 29       **this chapter, must do the following:**

30           **(1) Complete a training program that:**

31               **(A) trains pharmacists in prescribing hormonal**  
 32               **contraceptive patches and self-administered oral hormonal**  
 33               **contraceptives; and**

34               **(B) is approved by the board.**

35       **A training program completed by a pharmacist under this**  
 36       **subdivision may be developed by another state if the training**  
 37       **program is adopted and approved by the board.**

38           **(2) Provide a self-screening risk assessment tool that the**  
 39           **patient must use to assess for medical contraindications,**  
 40           **including high blood pressure, before the pharmacist**  
 41           **prescribes a hormonal contraceptive patch or**  
 42           **self-administered oral hormonal contraceptive for the patient**  
 43           **under this chapter.**

44           **(3) Take the patient's blood pressure before prescribing the**  
 45           **hormonal contraceptive patch or self-administered oral**  
 46           **hormonal contraceptive.**

47           **(4) Refer the patient to the patient's primary care practitioner**

1 or women's health care practitioner upon prescribing and  
2 dispensing the hormonal contraceptive patch or  
3 self-administered oral hormonal contraceptive. However, if  
4 the patient does not have a primary care practitioner or  
5 women's health care practitioner, the pharmacist shall  
6 provide the patient with local resources to find a practitioner.

7 (5) Provide the patient with a written record of the hormonal  
8 contraceptive patch or self-administered oral hormonal  
9 contraceptive that the pharmacist prescribes and dispenses  
10 and advise the patient to consult with a primary care  
11 practitioner or women's health care practitioner.

12 (6) Recommend that the patient have a clinical visit with a  
13 primary care practitioner or women's health care practitioner  
14 for a women's health examination at least once every two (2)  
15 years.

16 (7) Require the pharmacist to dispense the hormonal  
17 contraceptive patch or self-administered oral hormonal  
18 contraceptive to the patient as soon as practicable after the  
19 pharmacist issues the prescription.

20 (8) Inform the patient:

21 (A) of the risks and benefits of the use of a hormonal  
22 contraceptive patch or self-administered oral hormonal  
23 contraceptive; and

24 (B) that the contraceptive does not protect the patient  
25 against sexually transmitted diseases.

26 (c) The rules adopted under this section must prohibit a  
27 pharmacist from doing the following:

28 (1) Requiring a patient to schedule an appointment with the  
29 pharmacist for the prescribing or dispensing of a hormonal  
30 contraceptive patch or self-administered oral hormonal  
31 contraceptive.

32 (2) Prescribing a drug that is considered to be an  
33 abortifacient.

34 (d) All state and federal laws governing insurance coverage of  
35 contraceptive drugs, devices, products, and services apply to  
36 hormonal contraceptive patches and self-administered oral  
37 hormonal contraceptives prescribed or dispensed by a pharmacist  
38 under this chapter.

39 (e) Notwithstanding subsection (a), if the board has not adopted  
40 rules under this section before January 1, 2023, the board may  
41 adopt emergency rules under IC 4-22-2-37.1. Notwithstanding  
42 IC 4-22-2-37.1(g), an emergency rule adopted by the board under  
43 this subsection and in the manner provided by IC 4-22-2-37.1  
44 expires on the date on which a rule that supersedes the emergency  
45 rule is adopted by the board under IC 4-22-2-24 through  
46 IC 4-22-2-36. This subsection expires July 1, 2023.

47 Sec. 8. (a) A health plan under which a patient is covered must

- 1 provide payment, coverage, or reimbursement for:
- 2 (1) hormonal contraceptive patches and self-administered oral
- 3 hormonal contraceptives prescribed for and dispensed to the
- 4 patient under this chapter; and
- 5 (2) outpatient consultations (including pharmacist
- 6 consultations), examinations, procedures, and medical
- 7 services that are necessary to the prescribing or dispensing of
- 8 hormonal contraceptive patches or self-administered oral
- 9 hormonal contraceptives under this chapter if the health plan
- 10 covers similar outpatient consultations, examinations,
- 11 procedures, and medical services for other drug benefits.
- 12 (b) The coverage required by subsection (a):
- 13 (1) may be subject to provisions of the health plan that apply
- 14 equally to other prescription drugs covered by the health
- 15 plan, including required copayments, deductibles, and
- 16 coinsurance; and
- 17 (2) must provide reimbursement for the dispensing of
- 18 hormonal contraceptive patches or self-administered oral
- 19 hormonal contraceptives in a quantity sufficient to last the
- 20 patient for a twelve (12) month period regardless of whether
- 21 the patient was covered under the health plan at the time the
- 22 hormonal contraceptive patch or self-administered oral
- 23 hormonal contraceptive was first dispensed to the patient.
- 24 (c) A religious employer that is a nonprofit organization under
- 25 Section 6033(a)(3)(A)(i) or Section 6033(a)(3)(A)(iii) of the Internal
- 26 Revenue Code is exempt from the requirements of this section with
- 27 respect to a health plan it provides to its employees.
- 28 Sec. 9. (a) Beginning in 2024, before February 15 of each year,
- 29 the board shall submit to the legislative council an annual report
- 30 that evaluates the effectiveness and use of this chapter by
- 31 pharmacists and patients during the previous calendar year. The
- 32 report may include legislative recommendations.
- 33 (b) The report must be delivered in an electronic format under
- 34 IC 5-14-6."
- 35 Renumber all SECTIONS consecutively.  
(Reference is to HB 1001(ss) as printed July 26, 2022.)

Representative Campbell