

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1568

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-15-1.3-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. Before July 1, 2023, the office shall apply to the United States Department of Health and Human Services to amend the state plan to reimburse a pharmacist for services and prescriptions provided under IC 25-26-25 to an eligible Medicaid recipient.**

SECTION 2. IC 16-19-4-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12. (a) Subject to IC 25-26-25, before September 1, 2023, the state health commissioner or the commissioner's designated public health authority who is a licensed prescriber shall, as part of the individual's official capacity, issue a standing order that allows a pharmacist to prescribe and dispense a hormonal contraceptive patch (as defined in IC 25-26-25-2) and a self-administered hormonal contraceptive (as defined in IC 25-26-25-3).**

(b) A standing order described in subsection (a) must comply with the requirements set forth under IC 25-26-25.

(c) The state health commissioner or designated public health authority who issues a standing order under subsection (a) is immune from civil liability related to the issuing of the standing

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order.

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

Chapter 25. Hormonal Contraceptives

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

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

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

- (1) composed of a hormone or a combination of hormones that is approved by the federal Food and Drug Administration to prevent pregnancy; and**
- (2) that the woman to whom the drug is prescribed may administer to herself.**

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

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

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

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

- (1) consult with appropriate medical experts; and**
 - (2) receive approval of the medical licensing board of Indiana.**
- (c) The standing order issued under this section must require a**

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pharmacist who elects to prescribe hormonal contraceptive patches and self-administered hormonal contraceptives to do the following:

- (1) Complete a training program approved by the board that is related to prescribing hormonal contraceptive patches and self-administered hormonal contraceptives. The board may adopt a training program developed by another state.
- (2) Provide a self-screening risk assessment tool that the woman must use before the pharmacist's prescribing of the hormonal contraceptive patch or self-administered hormonal contraceptive.
- (3) Refer the woman to a primary care practitioner or the women's health care practitioner upon prescribing and dispensing the hormonal contraceptive patch or self-administered hormonal contraceptive.
- (4) Provide the woman with a written record of the hormonal contraceptive patch or the self-administered hormonal contraceptive prescribed and dispensed and advise the woman to consult with a primary care practitioner or women's health care practitioner.
- (5) If the pharmacist works at a site which, in the regular course of business, has a provider who is a physician, advanced practice registered nurse, or physician assistant who is available to deliver patient care and who is capable of prescribing the hormonal contraceptive patch or self-administered hormonal contraceptive, suggest that the woman see the provider.
- (6) Administer the screening protocols before issuing each prescription for a hormonal contraceptive patch or self-administered hormonal contraceptive.
- (7) Provide that a prescription for a contraceptive patch or self-administered hormonal contraceptive may not be for more than a six (6) month period and that the pharmacist may not issue a prescription to the woman after twelve (12) months unless the woman has been seen by a physician, advanced practice registered nurse, or physician assistant in the previous twelve (12) month period.

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

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



contraceptive.

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

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

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

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

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

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

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

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

SECTION 6. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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