

# SENATE BILL No. 153

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-26-25.

**Synopsis:** Pharmacist contraceptive prescriptions. Allows pharmacists who meet certain requirements to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives (contraceptives). Establishes requirements for pharmacists who prescribe and dispense contraceptives. Requires the Indiana board of pharmacy (board) to adopt rules. Requires health plans to provide coverage for contraceptives and certain services. Establishes an exception for nonprofit religious employers. Requires the board to issue an annual report to the legislative council.

**Effective:** July 1, 2023.

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## Charbonneau

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January 9, 2023, read first time and referred to Committee on Health and Provider Services.

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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.

## SENATE BILL No. 153

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

1 SECTION 1. IC 25-26-25 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]:  
4 **Chapter 25. Hormonal Contraceptives**  
5 **Sec. 1. It is the policy of the state to promote and support**  
6 **measures that will reduce the number of abortions in Indiana.**  
7 **Sec. 2. The definitions in IC 25-26-13-2 apply to this chapter.**  
8 **Sec. 3. As used in this chapter, "health plan" means:**  
9 (1) a policy of accident and sickness insurance (as defined in  
10 IC 27-8-5-1); or  
11 (2) an individual contract or a group contract with a health  
12 maintenance organization under IC 27-13.  
13 **Sec. 4. As used in this chapter, "hormonal contraceptive patch"**  
14 **means a transdermal patch applied to the skin of a patient, by the**  
15 **patient or by a pharmacist, that releases a drug composed of a**  
16 **combination of hormones that is approved by the federal Food and**  
17 **Drug Administration to prevent pregnancy.**



1           **Sec. 5. As used in this chapter, "self-administered oral hormonal**  
2 **contraceptive" means a drug:**

- 3           **(1) composed of a hormone or a combination of hormones**  
4 **that is approved by the federal Food and Drug Administration**  
5 **to prevent pregnancy; and**  
6 **(2) that the patient to whom the drug is prescribed may take**  
7 **orally to administer to herself.**

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

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

17           **Sec. 7. (a) Before January 1, 2024, the board shall adopt rules**  
18 **under IC 4-22-2 to establish:**

- 19           **(1) in consultation with the Indiana department of health;**  
20 **(2) in consideration of guidelines established by federal**  
21 **Centers for Disease Control and Prevention; and**  
22 **(3) with the approval of the medical licensing board of**  
23 **Indiana;**

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

27           **(b) The rules adopted under this section must require a**  
28 **pharmacist to do the following:**

- 29           **(1) Complete a training program approved by the board that**  
30 **is related to prescribing hormonal contraceptive patches and**  
31 **self-administered oral hormonal contraceptives. The board**  
32 **may adopt a training program developed by another state.**  
33 **(2) Provide a self-screening risk assessment tool that the**  
34 **patient must use prior to the pharmacist's prescribing the**  
35 **hormonal contraceptive patch or self-administered oral**  
36 **hormonal contraceptive to assess for medical**  
37 **contraindications, including high blood pressure.**  
38 **(3) Require that the pharmacist take the patient's blood**  
39 **pressure before prescribing the hormonal contraceptive patch**  
40 **or self-administered oral hormonal contraceptive.**  
41 **(4) Refer the patient to the patient's primary care practitioner**  
42 **or women's health care practitioner upon prescribing and**



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

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

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

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

18 (8) Inform the patient of the risks and benefits of the use of a  
19 hormonal contraceptive patch or self-administered oral  
20 hormonal contraceptive and that the contraceptive does not  
21 protect the patient against a sexually transmitted disease.

22 (c) The rules adopted under this section must prohibit a  
23 pharmacist from the following:

24 (1) Requiring a patient to schedule an appointment with the  
25 pharmacist for the prescribing or dispensing of a hormonal  
26 contraceptive patch or self-administered oral hormonal  
27 contraceptive.

28 (2) Prescribing a drug that is considered to be an  
29 abortifacient.

30 (d) All state and federal laws governing insurance coverage of  
31 contraceptive drugs, devices, products, and services apply to  
32 hormonal contraceptive patches and self-administered oral  
33 hormonal contraceptives prescribed by a pharmacist under this  
34 chapter.

35 (e) Notwithstanding subsection (a), if the board has not adopted  
36 rules under this section before January 1, 2024, the board may  
37 adopt emergency rules under IC 4-22-2-37.1. Notwithstanding  
38 IC 4-22-2-37.1(g), an emergency rule adopted by the board under  
39 this subsection and in the manner provided by IC 4-22-2-37.1  
40 expires on the date on which a rule that supersedes the emergency  
41 rule is adopted by the board under IC 4-22-2-24 through  
42 IC 4-22-2-36. This subsection expires July 1, 2024.



1           **Sec. 8. (a) A health plan must provide payment, coverage, or**  
 2 **reimbursement for:**

3           **(1) prescription hormonal contraceptive patches and**  
 4 **self-administered oral hormonal contraceptives; and**

5           **(2) if covered for other drug benefits by the health plan,**  
 6 **outpatient consultations, including pharmacist consultations,**  
 7 **examinations, procedures, and medical services that are**  
 8 **necessary to prescribe, dispense, deliver, or distribute a**  
 9 **prescription contraceptive.**

10          **(b) The coverage required in subsection (a):**

11           **(1) may be subject to provisions of the health plan that apply**  
 12 **equally to other prescription drugs covered by the health**  
 13 **plan, including required copayments, deductibles, and**  
 14 **coinsurance; and**

15           **(2) must reimburse a health care provider or dispensing entity**  
 16 **for a dispensing of contraceptives intended to last for a twelve**  
 17 **(12) month period for dispensings of the same hormonal**  
 18 **contraceptive patch or self-administered oral hormonal**  
 19 **contraceptive to the patient regardless of whether the insured**  
 20 **was enrolled in the program, plan, or policy at the time the**  
 21 **contraceptive was first dispensed.**

22          **(c) A religious employer that is a nonprofit organization under**  
 23 **Section 6033(a)(3)(A)(i) or Section 6033(a)(3)(A)(iii) of the Internal**  
 24 **Revenue Code is exempt from the requirements of this section with**  
 25 **respect to a health plan it provides to its employees.**

26          **Sec. 9. (a) Beginning in 2025, the board shall submit an annual**  
 27 **report before February 15 to the legislative council that evaluates**  
 28 **the effectiveness and use of the laws under this chapter by**  
 29 **pharmacists and patients during the previous calendar year. The**  
 30 **report may include legislative recommendations.**

31          **(b) The report must be delivered in an electronic format under**  
 32 **IC 5-14-6.**

