

SENATE BILL No. 206

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-26-25.

Synopsis: Pharmacist contraceptive prescriptions. Allows pharmacists who meet certain requirements to prescribe self-administered hormonal contraceptives (contraceptives). Establishes requirements for pharmacists who prescribe and dispense contraceptives. Requires the Indiana board of pharmacy (board) to adopt rules. Allows the state health commissioner to issue a standing order that concerns standard procedures for the prescribing of contraceptives by pharmacists that is effective until the board adopts rules. Requires health plans to provide coverage for contraceptives and certain services. Establishes an exception for nonprofit religious employers.

Effective: July 1, 2023.

Breaux

January 10, 2023, read first time and referred to Committee on Health and Provider Services.



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. 206

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. The definitions in IC 25-26-13-2 apply throughout this**
- 6 **chapter.**
- 7 **Sec. 2. As used in this chapter, "health plan" means:**
- 8 **(1) a policy of accident and sickness insurance (as defined in**
- 9 **IC 27-8-5-1); or**
- 10 **(2) an individual contract or a group contract with a health**
- 11 **maintenance organization under IC 27-13.**
- 12 **Sec. 3. As used in this chapter, "self-administered hormonal**
- 13 **contraceptive" means a drug:**
- 14 **(1) composed of a hormone or a combination of hormones**
- 15 **that is approved by the federal Food and Drug Administration**
- 16 **to prevent pregnancy; and**
- 17 **(2) that the patient to whom the drug is prescribed may**



1 administer to oneself or be administered by a pharmacist.

2 **Sec. 4. A pharmacist may prescribe self-administered hormonal**
3 **contraceptives to a person, regardless of whether the person has**
4 **evidence of a previous prescription from a primary care**
5 **practitioner or women's health care practitioner for hormonal**
6 **contraceptives.**

7 **Sec. 5. (a) The board shall adopt rules under IC 4-22-2 before**
8 **January 1, 2024, to establish:**

9 (1) in consultation with the Indiana department of health;

10 (2) in consideration of guidelines established by the Centers
11 for Disease Control and Prevention; and

12 (3) with the consultation of the medical licensing board of
13 Indiana;

14 standard procedures for the prescribing of self-administered
15 hormonal contraceptives by pharmacists.

16 (b) The rules adopted under this section must require a
17 pharmacist to do the following:

18 (1) Complete a training program approved by the board that
19 is related to prescribing self-administered hormonal
20 contraceptives. The board may adopt a training program
21 developed by another state.

22 (2) Provide a self-screening risk assessment tool that the
23 patient must use prior to the pharmacist's prescribing the
24 self-administered hormonal contraceptive to assess for
25 medical contraindications, including high blood pressure.

26 (3) Refer the patient to the patient's primary care practitioner
27 or women's health care practitioner, if one exists, upon
28 prescribing and dispensing the self-administered hormonal
29 contraceptive.

30 (4) Provide the patient with a written record of the
31 self-administered hormonal contraceptive prescribed and
32 dispensed and advise the patient to consult with a primary
33 care practitioner or women's health care practitioner.

34 (5) Dispense the self-administered hormonal contraceptive to
35 the patient as soon as practicable after the prescribing
36 pharmacist issues the prescription. This subdivision applies to
37 the dispensing pharmacist only.

38 (6) Inform the patient of the risks and benefits of
39 self-administered hormonal contraceptives and that the use of
40 a self-administered hormonal contraceptive does not protect
41 the patient against sexually transmitted diseases.

42 (c) The state health commissioner may issue a standing order



1 that concerns standard procedures for the prescribing of
 2 self-administered hormonal contraceptives by pharmacists and
 3 that is effective until the board adopts rules under this section.

4 (d) All state and federal laws governing health insurance
 5 coverage of contraceptive drugs, devices, products, and services
 6 apply to self-administered hormonal contraceptives prescribed by
 7 a pharmacist under this chapter.

8 Sec. 6. (a) A health plan must provide payment, coverage, or
 9 reimbursement for:

10 (1) prescription contraceptives; and

11 (2) if covered for other drug benefits by the health plan,
 12 outpatient consultations, including pharmacist consultations,
 13 examinations, procedures, and medical services that are
 14 necessary to prescribe, dispense, deliver, or distribute a
 15 prescription contraceptive.

16 (b) The coverage required under subsection (a):

17 (1) may be subject to provisions of the health plan that apply
 18 equally to other prescription drugs covered by the health
 19 plan, including required copayments, deductibles, and
 20 coinsurance; and

21 (2) must reimburse a health care provider or dispensing entity
 22 for a dispensing of contraceptives intended to last for a twelve
 23 (12) month period for subsequent dispensing of the same
 24 contraceptive to the insured regardless of whether the insured
 25 was enrolled in the program, plan, or policy at the time of the
 26 first dispensing.

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

