

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4149**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 14, 2022

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 4149.

As amended, this bill permits pharmacists to furnish self-administered hormonal contraceptives to patients without an individual prescription, pursuant to procedures and protocols that are to be jointly adopted, pursuant to the “Administrative Procedure Act,” by the Board of Pharmacy and the State Board of Medical Examiners (BME), in consultation with the American Congress of Obstetricians and Gynecologists, the New Jersey Pharmacists Association, and other appropriate entities. Self-administered hormonal contraceptives are defined to mean any oral, transdermal, or vaginal contraceptive product, including, but not limited to, birth control pills, vaginal rings, and diaphragms.

The procedures and protocols established by the Board of Pharmacy and the BME are to:

(1) require a pharmacist, as a condition of furnishing self-administered hormonal contraceptives to patients pursuant to the bill, to:

(i) complete a training program jointly approved by the Board of Pharmacy and the State Board of Medical Examiners; and

(ii) affirm, in writing, that he or she has completed appropriate training and will follow pertinent guidelines offered by the federal Centers for Disease Control and Prevention, including the United States Medical Eligibility Criteria for Contraceptive Use, which written affirmation is to be retained by the pharmacist as a medical record, in a manner and for such periods of time, as required by law;

(2) provide for the issuance of a standing order authorizing pharmacists in this State to furnish self-administered hormonal contraceptives to patients without an individual prescription;

(3) identify the self-administered hormonal contraceptives that a pharmacist will be authorized to furnish to patients pursuant to the standing order;

(4) require a pharmacist to make clinical decisions that are free from any financial influence imposed by insurance providers, contraceptive product manufacturers, and other parties having a

financial interest in the disbursement or non-disbursement of self-administered hormonal contraceptives;

(5) require a patient, prior to obtaining a self-administered hormonal contraceptive, to be evaluated through the administration of a questionnaire by the dispensing pharmacist, which questionnaire is to be developed by the Department of Health, that will identify patient risk factors for the use of self-administered hormonal contraceptives, based on the current United States Medical Eligibility Criteria for Contraceptive Use. The patient's responses to the written questionnaire are to be retained as a medical record, in a manner and for such periods of time, as required by law;

(6) require a pharmacist to offer to provide counseling to a patient about other forms of contraception that have been approved by the federal Food and Drug Administration, and, if the patient accepts the offer for counseling, require the pharmacist to provide the patient with specific and appropriate information about such other forms of contraception, based on the results of the questionnaire administered pursuant to the bill; and

(7) require a pharmacist, upon furnishing a self-administered hormonal contraceptive to a patient, or upon determining that a self-administered hormonal contraceptive is not recommended, to refer the patient to the patient's primary care provider, or, if the patient does not have a primary care provider, to an appropriate and nearby medical clinic.

The Board of Pharmacy and the BME will each be authorized to ensure compliance with these provisions, and each board will be specifically charged with the enforcement of these procedures and protocols, as applied to that board's licensees.

The bill specifies that nothing in its provisions is to be deemed to expand the authority of a pharmacist to prescribe any prescription medication. As amended, the bill further specifies that its requirements do not apply to pharmacists dispensing self-administered hormonal contraceptives pursuant to a prescription issued by a licensed health care practitioner.

The bill requires the Commissioner of Health to establish a public awareness campaign to make the general public aware of the availability to obtain self-administered hormonal contraceptives from a pharmacy without the need for an individualized prescription. The bill provides that the Department of Health is to be appropriated such funding as is necessary to establish the campaign.

As reported by the committee, Assembly Bill No. 4149 is identical to Senate Bill No. 275 (1R) which was reported by the committee with amendments on this date.

#### COMMITTEE AMENDMENTS:

The committee amendments:

(1) add language specifying that the requirements of the bill do not apply to a pharmacist dispensing a self-administered hormonal contraceptive pursuant to a prescription issued by a licensed health care practitioner;

(2) make various technical changes involving syntax and usage;

(3) require a pharmacist to affirm, in writing, that he or she has completed appropriate training and will follow pertinent guidelines offered by the federal Centers for Disease Control and Prevention, including the United States Medical Eligibility Criteria for Contraceptive Use, which written affirmation is to be retained by the pharmacist as a medical record, in a manner and for such periods of time, as required by law;

(4) require a patient to be evaluated through the administration of a questionnaire by the dispensing pharmacist, as opposed to a self-screening tool, which questionnaire is to be developed by the Department of Health; and

(5) require the patient's responses to the written questionnaire to be retained as a medical record, in a manner and for such periods of time, as required by law.