

HOUSE BILL 1723

By Jernigan

AN ACT to amend Tennessee Code Annotated, Title 56  
and Title 63, Chapter 10, relative to contraception.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following new section:

(a) As used in this section:

(1) "Hormonal contraceptive patch" means a transdermal patch applied to the skin of a patient, by the patient or by a practitioner, that releases a drug composed of a combination of hormones that is approved by the United States food and drug administration to prevent pregnancy; and

(2) "Self-administered oral hormonal contraceptive" means a drug composed of a combination of hormones that is approved by the United States food and drug administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.

(b) In accordance with rules adopted by the state board of pharmacy under this section, a pharmacist may prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to a person seeking the patches and contraception, regardless of whether the person has evidence of a previous prescription from a primary care practitioner or women's healthcare practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive.

(c)

(1) The board shall adopt rules to establish, in consultation with the board of medical examiners and the board of nursing, and in consideration of

guidelines established by the American Congress of Obstetricians and Gynecologists, standard procedures for the prescribing of hormonal contraceptive patches and self-administered oral hormonal contraceptives by pharmacists. The board of pharmacy is authorized to promulgate rules to effectuate the purposes of this section. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The rules adopted under this subsection (c) shall require a pharmacist to:

(A) Complete a training program approved by the state board of pharmacy that is related to prescribing hormonal contraceptive patches and self-administered oral hormonal contraceptives;

(B) Provide a self-screening risk assessment tool that the patient must use prior to the pharmacist's prescribing the hormonal contraceptive patch or self-administered oral hormonal contraceptive;

(C) Refer the patient to the patient's primary care practitioner or women's healthcare practitioner upon prescribing and dispensing the hormonal contraceptive patch or self-administered oral hormonal contraceptive;

(D) Provide the patient with a written record of the hormonal contraceptive patch or self-administered oral hormonal contraceptive prescribed and dispensed and advise the patient to consult with a primary care practitioner or women's healthcare practitioner; and

(E) Dispense the hormonal contraceptive patch or self-administered oral hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription.

(3) The rules adopted under this subsection shall prohibit a pharmacist from:

(A) Requiring a patient to schedule an appointment with the pharmacist for the prescribing or dispensing of a hormonal contraceptive patch or self-administered oral hormonal contraceptive; and

(B) Prescribing and dispensing a hormonal contraceptive patch or self-administered oral hormonal contraceptive to a patient who does not have evidence of a clinical visit for women's health within the three (3) years immediately following the initial prescription and dispensation of a hormonal contraceptive patch or self-administered oral hormonal contraceptive by a pharmacist to the patient.

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

SECTION 2. For the purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2017, the public welfare requiring it.