

ASSEMBLY, No. 5810

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Permits pharmacists to furnish self-administered hormonal contraceptives pursuant to a standing order, in accordance with protocols established by Board of Pharmacy and Board of Medical Examiners.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/15/2021)

1 AN ACT concerning contraceptives and supplementing P.L.2003,
2 c.280 (C.45:14-40 et seq.).

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. Notwithstanding any other law to the contrary, a
8 pharmacist shall be authorized to furnish self-administered
9 hormonal contraceptives to a patient, in accordance with
10 standardized procedures and protocols to be jointly developed and
11 approved by the Board of Pharmacy and the State Board of Medical
12 Examiners, in consultation with the American Congress of
13 Obstetricians and Gynecologists, the New Jersey Pharmacists
14 Association, and other appropriate entities, and in accordance with
15 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
16 et seq.) and the provisions of this subsection.

17 b. At a minimum, the standardized procedures and protocols
18 adopted under this subsection shall:

19 (1) require a pharmacist, as a condition of furnishing self-
20 administered hormonal contraceptives to patients pursuant to this
21 section, to complete a training program jointly approved by the
22 Board of Pharmacy and the State Board of Medical Examiners;

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

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

29 (4) require a pharmacist to make clinical decisions that are free
30 from any financial influence imposed by insurance providers,
31 contraceptive product manufacturers, and other parties having a
32 financial interest in the disbursement or non-disbursement of self-
33 administered hormonal contraceptives;

34 (5) require a patient, prior to obtaining a self-administered
35 hormonal contraceptive pursuant to this section, to use a self-
36 screening tool that will identify patient risk factors for the use of
37 self-administered hormonal contraceptives, based on the current
38 United States Medical Eligibility Criteria for Contraceptive Use
39 (US MEC) developed by the federal Centers for Disease Control
40 and Prevention;

41 (6) require a pharmacist to offer to provide counseling to a
42 patient about other forms of contraception that have been approved
43 by the federal Food and Drug Administration, and, if the patient
44 accepts the offer for counseling, require the pharmacist to provide
45 the patient with specific and appropriate information about such
46 other forms of contraception, based on the results of the self-
47 screening tool administered pursuant to paragraph (5) of this
48 subsection; and

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

7 c. The Board of Pharmacy and the Board of Medical
8 Examiners are both authorized to ensure compliance with the
9 provisions of this section, and each board is specifically charged
10 with the enforcement of this section as applied to its respective
11 licensees.

12 d. As used in this section, "self-administered hormonal
13 contraceptive" means any oral, transdermal, or vaginal
14 contraceptive product, including, but not limited to, birth control
15 pills, vaginal rings, and diaphragms.

16 e. Nothing in this section shall be deemed to expand the
17 authority of a pharmacist to prescribe any prescription medication.

18
19 2. The Commissioner of Health shall establish a public
20 awareness campaign to inform the general public concerning the
21 ability to obtain self-administered hormonal contraceptives from a
22 pharmacy without an individual prescription pursuant to the
23 provisions of section 1 of P.L. , c. (C.) (pending before the
24 Legislature as this bill). There shall be appropriated to the
25 Department of Health such funding as shall be necessary to
26 implement the provisions of this section.

27
28 3. This act shall take effect on the first day of the fourth month
29 next following the date of enactment, except that the Board of
30 Pharmacy and the State Board of Medical Examiners may take any
31 administrative action in advance thereof as shall be necessary for
32 the implementation of this act.

33 34 35 STATEMENT

36
37 This bill permits pharmacists to furnish self-administered
38 hormonal contraceptives to patients without an individual
39 prescription, pursuant to procedures and protocols that are to be
40 jointly adopted, pursuant to the "Administrative Procedure Act," by
41 the Board of Pharmacy and the State Board of Medical Examiners
42 (BME), in consultation with the American Congress of
43 Obstetricians and Gynecologists, the New Jersey Pharmacists
44 Association, and other appropriate entities. Self-administered
45 hormonal contraceptives are defined to mean any oral, transdermal,
46 or vaginal contraceptive product, including, but not limited to, birth
47 control pills, vaginal rings, and diaphragms.

1 The procedures and protocols established by the Board of
2 Pharmacy and the BME are to: (1) require the pharmacist to
3 complete an approved training program as a condition of furnishing
4 self-administered hormonal contraceptives pursuant to the bill; (2)
5 provide for the issuance of a standing order authorizing pharmacists
6 to furnish self-administered hormonal contraceptives to patients
7 without an individual prescription; (3) identify the self-administered
8 hormonal contraceptives that a pharmacist will be authorized to
9 furnish to patients pursuant to the standing order; (4) require a
10 pharmacist to make clinical decisions that are free from any
11 financial influence imposed by insurance providers, contraceptive
12 product manufacturers, and other parties having a financial interest
13 in the disbursement or non-disbursement of self-administered
14 hormonal contraceptives; (5) require a patient, prior to obtaining a
15 self-administered hormonal contraceptive, to use a self-screening
16 tool that will identify patient risk factors for the use of self-
17 administered hormonal contraceptives, based on the current United
18 States Medical Eligibility Criteria for Contraceptive Use (US MEC)
19 developed by the federal Centers for Disease Control and
20 Prevention; (6) require a pharmacist to offer to provide counseling
21 to a patient about other forms of contraception that have been
22 approved by the federal Food and Drug Administration, and, if the
23 patient accepts the offer for counseling, require the pharmacist to
24 provide the patient with specific and appropriate information about
25 such other forms of contraception, based on the results of the self-
26 screening tool; and (7) require a pharmacist, upon furnishing a self-
27 administered hormonal contraceptive to a patient, or upon
28 determining that a self-administered hormonal contraceptive is not
29 recommended, to refer the patient to the patient's primary care
30 provider, or, if the patient does not have a primary care provider, to
31 an appropriate and nearby medical clinic.

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

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