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)

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

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

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

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

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

(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 pursuant to this section, to use a self-screening tool 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 (US MEC) developed by the federal Centers for Disease Control and Prevention;

(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 self-screening tool administered pursuant to paragraph (5) of this subsection; 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.

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

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

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

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

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

STATEMENT

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 the pharmacist to complete an approved training program as a condition of furnishing self-administered hormonal contraceptives pursuant to the bill; (2) provide for the issuance of a standing order authorizing pharmacists 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 use a self-screening tool 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 (US MEC) developed by the federal Centers for Disease Control and Prevention; (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 self-screening tool; 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 both 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 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 Department of Health is to be appropriated such funding as is necessary to establish the campaign.