

SENATE, No. 404

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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; clarifies certain health insurance coverage for contraceptives.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning contraceptives, supplementing P.L.2003, c.280
2 (C.45:14-40 et seq.), and amending P.L.2005, c.251.

3

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

6

7 1. (New section) a. Notwithstanding any other law to the
8 contrary, a pharmacist shall be authorized to furnish self-
9 administered hormonal contraceptives to a patient, in accordance
10 with standardized procedures and protocols to be jointly developed
11 and approved by the Board of Pharmacy and the State Board of
12 Medical 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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 other forms of contraception, based on the results of the self-
2 screening tool administered pursuant to paragraph (5) of this
3 subsection; and

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

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

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

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

21

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

30

31 3. Section 1 of P.L.2005, c.251 (C.17:48-6ee) is amended to
32 read as follows:

33 1. a. A hospital service corporation that provides hospital or
34 medical expense benefits for expenses incurred in the purchase of
35 outpatient prescription drugs under a contract shall provide
36 coverage under every such contract delivered, issued, executed or
37 renewed in this State or approved for issuance or renewal in this
38 State by the Commissioner of Banking and Insurance, on or after
39 the effective date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.),
40 for expenses incurred in the purchase of prescription female
41 contraceptives.

42 b. For the purposes of this section, "prescription female
43 **【contraceptives】** contraceptive" means any drug or device that is
44 used for contraception by a female, **【which】** is approved by the
45 federal Food and Drug Administration for that purpose, **【that】** and
46 can only be purchased in this State **【with】** pursuant to a
47 prescription written by a health care professional who is licensed or

1 authorized to write prescriptions, **【and】** or pursuant to a standing
2 order issued in accordance with procedures and protocols adopted
3 by the Board of Pharmacy and the State Board of Medical
4 Examiners pursuant to section 1 of P.L. , c. (C.) (pending
5 before the Legislature as this bill). “Prescription female
6 contraceptive” includes, but is not limited to, birth control pills,
7 vaginal rings, and diaphragms.

8 c. A religious employer may request, and a hospital service
9 corporation shall grant, exclusion under the contract for the
10 coverage required by this section if the required coverage conflicts
11 with the religious employer's bona fide religious beliefs and
12 practices. A religious employer that obtains such an exclusion shall
13 provide written notice thereof to prospective subscribers and
14 subscribers. The provisions of this section shall not be construed as
15 authorizing a hospital service corporation to exclude coverage for
16 prescription drugs that are prescribed for reasons other than
17 contraceptive purposes or for prescription female contraceptives
18 that are necessary to preserve the life or health of a subscriber. For
19 the purposes of this section, "religious employer" means an
20 employer that is a church, convention or association of churches or
21 an elementary or secondary school that is controlled, operated or
22 principally supported by a church or by a convention or association
23 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that
24 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

25 d. The benefits under this section shall be provided to the same
26 extent as for any other outpatient prescription drug under the
27 contract.

28 e. This section shall apply to those contracts in which the
29 hospital service corporation has reserved the right to change the
30 premium.

31 (cf: P.L.2005, c.251, s.1)

32
33 4. Section 2 of P.L.2005, c.251 (C.17:48A-7bb) is amended to
34 read as follows:

35 2. a. A medical service corporation that provides hospital or
36 medical expense benefits for expenses incurred in the purchase of
37 outpatient prescription drugs under a contract shall provide
38 coverage under every such contract delivered, issued, executed or
39 renewed in this State or approved for issuance or renewal in this
40 State by the Commissioner of Banking and Insurance, on or after
41 the effective date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.),
42 for expenses incurred in the purchase of prescription female
43 contraceptives.

44 b. For the purposes of this section, "prescription female
45 **【contraceptives】** contraceptive" means any drug or device that is
46 used for contraception by a female, **【which】** is approved by the
47 federal Food and Drug Administration for that purpose, **【that】** and

1 can only be purchased in this State **【with】** pursuant to a
2 prescription written by a health care professional who is licensed or
3 authorized to write prescriptions, **【and】** or pursuant to a standing
4 order issued in accordance with procedures and protocols adopted
5 by the Board of Pharmacy and the State Board of Medical
6 Examiners pursuant to section 1 of P.L. , c. (C.) (pending
7 before the Legislature as this bill). “Prescription female
8 contraceptive” includes, but is not limited to, birth control pills,
9 vaginal rings, and diaphragms.

10 c. A religious employer may request, and a medical service
11 corporation shall grant, an exclusion under the contract for the
12 coverage required by this section if the required coverage conflicts
13 with the religious employer's bona fide religious beliefs and
14 practices. A religious employer that obtains such an exclusion shall
15 provide written notice thereof to prospective subscribers and
16 subscribers. The provisions of this section shall not be construed as
17 authorizing a medical service corporation to exclude coverage for
18 prescription drugs that are prescribed for reasons other than
19 contraceptive purposes or for prescription female contraceptives
20 that are necessary to preserve the life or health of a subscriber. For
21 the purposes of this section, "religious employer" means an
22 employer that is a church, convention or association of churches or
23 an elementary or secondary school that is controlled, operated or
24 principally supported by a church or by a convention or association
25 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that
26 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

27 d. The benefits under this section shall be provided to the same
28 extent as for any other outpatient prescription drug under the
29 contract.

30 e. This section shall apply to those contracts in which the
31 medical service corporation has reserved the right to change the
32 premium.

33 (cf: P.L.2005, c.251, s.2)

34

35 5. Section 3 of P.L.2005, c.251 (C.17:48E-35.29) is amended
36 to read as follows:

37 3. a. A health service corporation that provides hospital or
38 medical expense benefits for expenses incurred in the purchase of
39 outpatient prescription drugs under a contract shall provide
40 coverage under every such contract delivered, issued, executed or
41 renewed in this State or approved for issuance or renewal in this
42 State by the Commissioner of Banking and Insurance, on or after
43 the effective date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.),
44 for expenses incurred in the purchase of prescription female
45 contraceptives.

46 b. For the purposes of this section, "prescription female
47 **【contraceptives】** contraceptive" means any drug or device that is

1 used for contraception by a female, **【which】** is approved by the
2 federal Food and Drug Administration for that purpose, **【that】** and
3 can only be purchased in this State **【with】** pursuant to a
4 prescription written by a health care professional who is licensed or
5 authorized to write prescriptions, **【and】** or pursuant to a standing
6 order issued in accordance with procedures and protocols adopted
7 by the Board of Pharmacy and the State Board of Medical
8 Examiners pursuant to section 1 of P.L. _____, c. _____ (C. _____)
9 (pending before the Legislature as this bill). “Prescription female
10 contraceptive” includes, but is not limited to, birth control pills,
11 vaginal rings, and diaphragms.

12 c. A religious employer may request, and a health service
13 corporation shall grant, an exclusion under the contract for the
14 coverage required by this section if the required coverage conflicts
15 with the religious employer's bona fide religious beliefs and
16 practices. A religious employer that obtains such an exclusion shall
17 provide written notice thereof to prospective subscribers and
18 subscribers. The provisions of this section shall not be construed as
19 authorizing a health service corporation to exclude coverage for
20 prescription drugs that are prescribed for reasons other than
21 contraceptive purposes or for prescription female contraceptives
22 that are necessary to preserve the life or health of a subscriber. For
23 the purposes of this section, "religious employer" means an
24 employer that is a church, convention or association of churches or
25 an elementary or secondary school that is controlled, operated or
26 principally supported by a church or by a convention or association
27 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that
28 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

29 d. The benefits under this section shall be provided to the same
30 extent as for any other outpatient prescription drug under the
31 contract.

32 e. This section shall apply to those contracts in which the
33 health service corporation has reserved the right to change the
34 premium.

35 (cf: P.L.2005, c.251, s.3)

36

37 6. Section 4 of P.L.2005, c.251 (C.17B:27-46.1ee) is amended
38 to read as follows:

39 4. a. A group health insurer that provides hospital or medical
40 expense benefits for expenses incurred in the purchase of outpatient
41 prescription drugs under a policy shall provide coverage under
42 every such policy delivered, issued, executed or renewed in this
43 State or approved for issuance or renewal in this State by the
44 Commissioner of Banking and Insurance, on or after the effective
45 date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.), for expenses
46 incurred in the purchase of prescription female contraceptives.

1 **b.** For the purposes of this section, "prescription female
2 **【contraceptives】 contraceptive**" means any drug or device that is
3 used for contraception by a female, **【which】** is approved by the
4 federal Food and Drug Administration for that purpose, **【that】 and**
5 can only be purchased in this State **【with】 pursuant to** a
6 prescription written by a health care professional who is licensed or
7 authorized to write prescriptions, **【and】 or pursuant to a standing**
8 order issued in accordance with procedures and protocols adopted
9 by the Board of Pharmacy and the State Board of Medical
10 Examiners pursuant to section 1 of P.L. , c. (C.)
11 (pending before the Legislature as this bill). "Prescription female
12 contraceptive" includes, but is not limited to, birth control pills,
13 vaginal rings, and diaphragms.

14 **c.** A religious employer may request, and an insurer shall grant,
15 an exclusion under the policy for the coverage required by this
16 section if the required coverage conflicts with the religious
17 employer's bona fide religious beliefs and practices. A religious
18 employer that obtains such an exclusion shall provide written notice
19 thereof to prospective insureds and insureds. The provisions of this
20 section shall not be construed as authorizing an insurer to exclude
21 coverage for prescription drugs that are prescribed for reasons other
22 than contraceptive purposes or for prescription female
23 contraceptives that are necessary to preserve the life or health of an
24 insured. For the purposes of this section, "religious employer"
25 means an employer that is a church, convention or association of
26 churches or an elementary or secondary school that is controlled,
27 operated or principally supported by a church or by a convention or
28 association of churches as defined in 26 U.S.C. s.3121(w)(3)(A),
29 and that qualifies as a tax-exempt organization under 26 U.S.C.
30 s.501(c)(3).

31 **d.** The benefits under this section shall be provided to the same
32 extent as for any other outpatient prescription drug under the policy.

33 **e.** This section shall apply to those policies in which the insurer
34 has reserved the right to change the premium.

35 (cf: P.L.2005, c.251, s.4)

36

37 7. Section 5 of P.L.2005, c.251 (C.17B:26-2.1y) is amended to
38 read as follows:

39 5. **a.** An individual health insurer that provides hospital or
40 medical expense benefits for expenses incurred in the purchase of
41 outpatient prescription drugs under a policy shall provide coverage
42 under every such policy delivered, issued, executed or renewed in
43 this State or approved for issuance or renewal in this State by the
44 Commissioner of Banking and Insurance, on or after the effective
45 date of **【this act】 P.L.2005, c.251 (C.17:48-6ee et al.)**, for expenses
46 incurred in the purchase of prescription female contraceptives.

1 **b.** For the purposes of this section, "prescription female
2 **【contraceptives】 contraceptive**" means any drug or device that is
3 used for contraception by a female, **【which】** is approved by the
4 federal Food and Drug Administration for that purpose, **【that】 and**
5 can only be purchased in this State **【with】 pursuant to** a
6 prescription written by a health care professional who is licensed or
7 authorized to write prescriptions, **【and】 or pursuant to a standing**
8 order issued in accordance with procedures and protocols adopted
9 by the Board of Pharmacy and the State Board of Medical
10 Examiners pursuant to section 1 of P.L. , c. (C.)
11 (pending before the Legislature as this bill). "Prescription female
12 contraceptive" includes, but is not limited to, birth control pills,
13 vaginal rings, and diaphragms.

14 **c.** A religious employer may request, and an insurer shall grant,
15 an exclusion under the policy for the coverage required by this
16 section if the required coverage conflicts with the religious
17 employer's bona fide religious beliefs and practices. A religious
18 employer that obtains such an exclusion shall provide written notice
19 thereof to prospective insureds and insureds. The provisions of this
20 section shall not be construed as authorizing an insurer to exclude
21 coverage for prescription drugs that are prescribed for reasons other
22 than contraceptive purposes or for prescription female
23 contraceptives that are necessary to preserve the life or health of an
24 insured. For the purposes of this section, "religious employer"
25 means an employer that is a church, convention or association of
26 churches or an elementary or secondary school that is controlled,
27 operated or principally supported by a church or by a convention or
28 association of churches as defined in 26 U.S.C. s.3121(w)(3)(A),
29 and that qualifies as a tax-exempt organization under 26 U.S.C.
30 s.501(c)(3).

31 **d.** The benefits under this section shall be provided to the same
32 extent as for any other outpatient prescription drug under the policy.

33 **e.** This section shall apply to those policies in which the insurer
34 has reserved the right to change the premium.

35 (cf: P.L.2005, c.251, s.5)

36

37 8. Section 6 of P.L.2005, c.251 (C.26:2J-4.30) is amended to
38 read as follows:

39 6. **a.** A certificate of authority to establish and operate a health
40 maintenance organization in this State shall not be issued or
41 continued on or after the effective date of **【this act】 P.L.2005, c.251**
42 (C.17:48-6ee et al.), for a health maintenance organization that
43 provides health care services for outpatient prescription drugs under
44 a contract, unless the health maintenance organization also provides
45 health care services for prescription female contraceptives.

46 **b.** For the purposes of this section, "prescription female
47 **【contraceptives】 contraceptive**" means any drug or device that is

1 used for contraception by a female, **【which】** is approved by the
2 federal Food and Drug Administration for that purpose, **【that】** and
3 can only be purchased in this State **【with】** pursuant to a
4 prescription written by a health care professional who is licensed or
5 authorized to write prescriptions, **【and】** or pursuant to a standing
6 order issued in accordance with procedures and protocols adopted
7 by the Board of Pharmacy and the State Board of Medical
8 Examiners pursuant to section 1 of P.L. _____, c. _____ (C. _____)
9 (pending before the Legislature as this bill). “Prescription female
10 contraceptive” includes, but is not limited to, birth control pills,
11 vaginal rings, and diaphragms.

12 c. A religious employer may request, and a health maintenance
13 organization shall grant, an exclusion under the contract for the
14 health care services required by this section if the required health
15 care services conflict with the religious employer's bona fide
16 religious beliefs and practices. A religious employer that obtains
17 such an exclusion shall provide written notice thereof to prospective
18 enrollees and enrollees. The provisions of this section shall not be
19 construed as authorizing a health maintenance organization to
20 exclude health care services for prescription drugs that are
21 prescribed for reasons other than contraceptive purposes or for
22 prescription female contraceptives that are necessary to preserve the
23 life or health of an enrollee. For the purposes of this section,
24 "religious employer" means an employer that is a church,
25 convention or association of churches or an elementary or
26 secondary school that is controlled, operated or principally
27 supported by a church or by a convention or association of churches
28 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-
29 exempt organization under 26 U.S.C. s.501(c)(3).

30 d. The health care services under this section shall be provided
31 to the same extent as for any other outpatient prescription drug
32 under the contract.

33 e. The provisions of this section shall apply to those contracts
34 for health care services by health maintenance organizations under
35 which the right to change the schedule of charges for enrollee
36 coverage is reserved.

37 (cf: P.L.2005, c.251, s.6)

38

39 9. Section 7 of P.L.2005, c.251 (C.17B:27A-7.12) is amended
40 to read as follows:

41 7. a. An individual health benefits plan required pursuant to
42 section 3 of P.L.1992, c.161 (C.17B:27A-4) that provides benefits
43 for expenses incurred in the purchase of outpatient prescription
44 drugs shall provide coverage for expenses incurred in the purchase
45 of prescription female contraceptives.

46 b. For the purposes of this section, "prescription female
47 **【contraceptives】** contraceptive" means any drug or device that is

1 used for contraception by a female, **【which】** is approved by the
2 federal Food and Drug Administration for that purpose, **【that】** and
3 can only be purchased in this State **【with】** pursuant to a
4 prescription written by a health care professional who is licensed or
5 authorized to write prescriptions, **【and】** or pursuant to a standing
6 order issued in accordance with procedures and protocols adopted
7 by the Board of Pharmacy and the State Board of Medical
8 Examiners pursuant to section 1 of P.L. _____, c. _____ (C. _____)
9 (pending before the Legislature as this bill). “Prescription female
10 contraceptive” includes, but is not limited to, birth control pills,
11 vaginal rings, and diaphragms.

12 c. A religious employer may request, and a carrier shall grant,
13 an exclusion under the health benefits plan for the coverage
14 required by this section if the required coverage conflicts with the
15 religious employer's bona fide religious beliefs and practices. A
16 religious employer that obtains such an exclusion shall provide
17 written notice thereof to prospective covered persons and covered
18 persons. The provisions of this section shall not be construed as
19 authorizing a carrier to exclude coverage for prescription drugs that
20 are prescribed for reasons other than contraceptive purposes or for
21 prescription female contraceptives that are necessary to preserve the
22 life or health of a covered person. For the purposes of this section,
23 "religious employer" means an employer that is a church,
24 convention or association of churches or an elementary or
25 secondary school that is controlled, operated or principally
26 supported by a church or by a convention or association of churches
27 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-
28 exempt organization under 26 U.S.C. s.501(c)(3).

29 d. The benefits under this section shall be provided to the same
30 extent as for any other outpatient prescription drug under the health
31 benefits plan.

32 e. This section shall apply to all individual health benefits
33 plans in which the carrier has reserved the right to change the
34 premium.

35 (cf: P.L.2005, c.251, s.7)

36

37 10. Section 8 of P.L.2005, c.251 (C.17B:27A-19.15) is amended
38 to read as follows:

39 8. a. A small employer health benefits plan required pursuant
40 to section 3 of P.L.1992, c.162 (C.17B:27A-19) that provides
41 benefits for expenses incurred in the purchase of outpatient
42 prescription drugs shall provide coverage for expenses incurred in
43 the purchase of prescription female contraceptives.

44 b. For the purposes of this section, "prescription female
45 **【contraceptives】** contraceptive" means any drug or device that is
46 used for contraception by a female, **【which】** is approved by the
47 federal Food and Drug Administration for that purpose, **【that】** and

1 can only be purchased in this State **【with】** pursuant to a
2 prescription written by a health care professional who is licensed or
3 authorized to write prescriptions, **【and】** or pursuant to a standing
4 order issued in accordance with procedures and protocols adopted
5 by the Board of Pharmacy and the State Board of Medical
6 Examiners pursuant to section 1 of P.L. _____, c. _____ (C. _____)
7 (pending before the Legislature as this bill). “Prescription female
8 contraceptive” includes, but is not limited to, birth control pills,
9 vaginal rings, and diaphragms.

10 c. A religious employer may request, and a carrier shall grant,
11 an exclusion under the health benefits plan for the coverage
12 required by this section if the required coverage conflicts with the
13 religious employer's bona fide religious beliefs and practices. A
14 religious employer that obtains such an exclusion shall provide
15 written notice thereof to prospective covered persons and covered
16 persons. The provisions of this section shall not be construed as
17 authorizing a carrier to exclude coverage for prescription drugs that
18 are prescribed for reasons other than contraceptive purposes or for
19 prescription female contraceptives that are necessary to preserve the
20 life or health of a covered person. For the purposes of this section,
21 "religious employer" means an employer that is a church,
22 convention or association of churches or an elementary or
23 secondary school that is controlled, operated or principally
24 supported by a church or by a convention or association of churches
25 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-
26 exempt organization under 26 U.S.C. s.501(c)(3).

27 d. The benefits under this section shall be provided to the same
28 extent as for any other outpatient prescription drug under the health
29 benefits plan.

30 e. This section shall apply to all small employer health benefits
31 plans in which the carrier has reserved the right to change the
32 premium.

33 (cf: P.L.2005, c.251, s.8)

34
35 11. Section 9 of P.L.2005, c.251 (C.17:48F-13.2) is amended to
36 read as follows:

37 9. a. A prepaid prescription service organization that provides
38 benefits for expenses incurred in the purchase of outpatient
39 prescription drugs under a contract shall provide coverage under
40 every such contract delivered, issued, executed or renewed in this
41 State or approved for issuance or renewal in this State by the
42 Commissioner of Banking and Insurance, on or after the effective
43 date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.), for expenses
44 incurred in the purchase of prescription female contraceptives.

45 b. For the purposes of this section, "prescription female
46 **【contraceptives】** contraceptive" means any drug or device that is
47 used for contraception by a female, **【which】** is approved by the

1 federal Food and Drug Administration for that purpose, **【that】** and
2 can only be purchased in this State **【with】** pursuant to a
3 prescription written by a health care professional who is licensed or
4 authorized to write prescriptions, **【and】** or pursuant to a standing
5 order issued in accordance with procedures and protocols adopted
6 by the Board of Pharmacy and the State Board of Medical
7 Examiners pursuant to section 1 of P.L. _____, c. _____ (C. _____)
8 (pending before the Legislature as this bill). “Prescription female
9 contraceptive” includes, but is not limited to, birth control pills,
10 vaginal rings, and diaphragms.

11 c. A religious employer may request, and a prepaid
12 prescription service organization shall grant, an exclusion under the
13 contract for the coverage required by this section if the required
14 coverage conflicts with the religious employer's bona fide religious
15 beliefs and practices. A religious employer that obtains such an
16 exclusion shall provide written notice thereof to prospective
17 enrollees and enrollees. The provisions of this section shall not be
18 construed as authorizing a prepaid prescription service organization
19 to exclude coverage for prescription drugs that are prescribed for
20 reasons other than contraceptive purposes or for prescription female
21 contraceptives that are necessary to preserve the life or health of an
22 enrollee. For the purposes of this section, "religious employer"
23 means an employer that is a church, convention or association of
24 churches or an elementary or secondary school that is controlled,
25 operated or principally supported by a church or by a convention or
26 association of churches as defined in 26 U.S.C. s.3121(w)(3)(A),
27 and that qualifies as a tax-exempt organization under 26 U.S.C.
28 s.501(c)(3).

29 d. The benefits under this section shall be provided to the same
30 extent as for any other outpatient prescription drug under the
31 contract.

32 e. This section shall apply to those prepaid prescription
33 contracts in which the prepaid prescription service organization has
34 reserved the right to change the premium.

35 (cf: P.L.2005, c.251, s.9)

36
37 12. Section 10 of P.L.2005, c.251 (C.52:14-17.29j) is amended
38 to read as follows:

39 10. a. The State Health Benefits Commission shall ensure that
40 every contract purchased by the commission on or after the
41 effective date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.) that
42 provides benefits for expenses incurred in the purchase of
43 outpatient prescription drugs shall provide benefits for expenses
44 incurred in the purchase of prescription female contraceptives.

45 b. For the purposes of this section, "prescription female
46 **【contraceptives】** contraceptive" means any drug or device that is
47 used for contraception by a female, **【which】** is approved by the

1 federal Food and Drug Administration for that purpose, **that** and
2 can only be purchased in this State **with** pursuant to a
3 prescription written by a health care professional who is licensed or
4 authorized to write prescriptions, **and** or pursuant to a standing
5 order issued in accordance with procedures and protocols adopted
6 by the Board of Pharmacy and the State Board of Medical
7 Examiners pursuant to section 1 of P.L. _____, c. _____ (C. _____)
8 (pending before the Legislature as this bill). “Prescription female
9 contraceptive” includes, but is not limited to, birth control pills,
10 vaginal rings, and diaphragms.
11 (cf: P.L.2005, c.251, s.10)
12

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

22

23 This bill would permit pharmacists to furnish self-administered
24 hormonal contraceptives to patients without an individual prescription,
25 pursuant to procedures and protocols that are to be jointly adopted,
26 pursuant to the “Administrative Procedure Act,” by the Board of
27 Pharmacy (board) and the State Board of Medical Examiners (BME),
28 in consultation with the American Congress of Obstetricians and
29 Gynecologists, the New Jersey Pharmacists Association, and other
30 appropriate entities. Self-administered hormonal contraceptives are
31 defined to mean any oral, transdermal, or vaginal contraceptive
32 product, including, but not limited to, birth control pills, vaginal rings,
33 and diaphragms.

34 The bill requires the procedures and protocols established by the
35 board and BME to: (1) require the pharmacist to complete an
36 approved training program as a condition of furnishing self-
37 administered hormonal contraceptives pursuant to the bill; (2) provide
38 for the issuance of a standing order authorizing pharmacists in this
39 State to furnish self-administered hormonal contraceptives to patients
40 without an individual prescription; (3) identify the self-administered
41 hormonal contraceptives that a pharmacist will be authorized to
42 furnish to patients pursuant to the standing order; (4) require a
43 pharmacist to make clinical decisions that are free from any financial
44 influence imposed by insurance providers, contraceptive product
45 manufacturers, and other parties having a financial interest in the
46 disbursement or non-disbursement of self-administered hormonal
47 contraceptives; (5) require a patient, prior to obtaining a self-
48 administered hormonal contraceptive, to use a self-screening tool that
will identify patient risk factors for the use of self-administered

1 hormonal contraceptives, based on the current United States Medical
2 Eligibility Criteria for Contraceptive Use (US MEC) developed by the
3 federal Centers for Disease Control and Prevention; (6) require a
4 pharmacist to offer to provide counseling to a patient about other
5 forms of contraception that have been approved by the federal Food
6 and Drug Administration, and, if the patient accepts the offer for
7 counseling, require the pharmacist to provide the patient with specific
8 and appropriate information about such other forms of contraception,
9 based on the results of the self-screening tool; and (7) require a
10 pharmacist, upon furnishing a self-administered hormonal
11 contraceptive to a patient, or upon determining that a self-administered
12 hormonal contraceptive is not recommended, to refer the patient to the
13 patient's primary care provider, or, if the patient does not have a
14 primary care provider, to an appropriate and nearby medical clinic.

15 The board and the BME would both be authorized to ensure
16 compliance with these provisions, and each board, moreover, would be
17 specifically charged with the enforcement of these procedures and
18 protocols, as applied to the board's respective licensees.

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

25 The bill would also amend various health insurance statutes to
26 clarify that, in addition to providing coverage for prescription female
27 contraception that is purchased pursuant to an individual prescription
28 issued by a health care professional, health insurance carriers that
29 provide benefits for prescription female contraceptives will also be
30 required to provide coverage for self-administered hormonal
31 contraceptives that are purchased pursuant to a standing order issued in
32 accordance with procedures and protocols established by the board and
33 BME pursuant to the bill's provisions. These clarifying amendments
34 apply to hospital, medical, and health service corporations,
35 commercial, individual, small employer and group health insurers,
36 health maintenance organizations, prepaid prescription organizations,
37 and the State Health Benefits Program.