

[First Reprint]
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)

Co-Sponsored by:

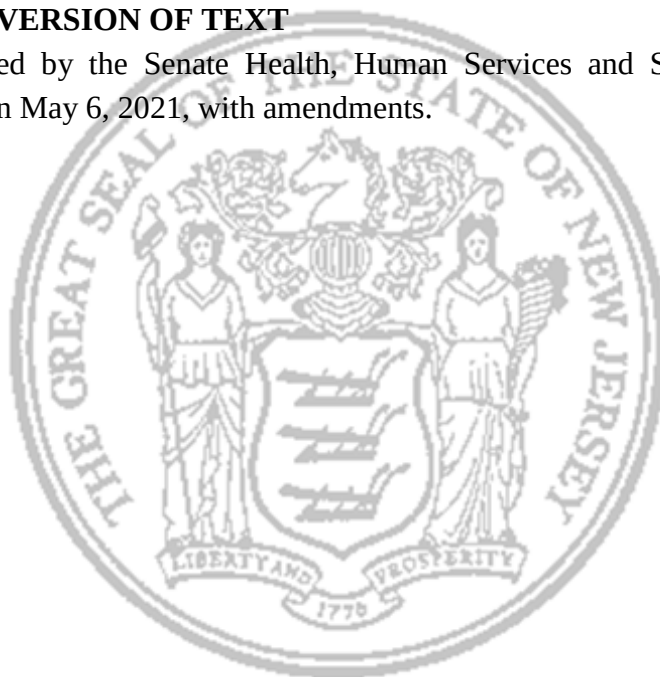
Senator Ruiz

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 reported by the Senate Health, Human Services and Senior Citizens Committee on May 6, 2021, with amendments.



(Sponsorship Updated As Of: 6/3/2021)

1 AN ACT concerning contraceptives **‘[.] and’** supplementing
 2 P.L.2003, c.280 (C.45:14-40 et seq.) **‘[.]** and amending P.L.2005,
 3 c.251**’**¹ .
 4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:
 7

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

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

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

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

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

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

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

42 (6) require a pharmacist to offer to provide counseling to a
 43 patient about other forms of contraception that have been approved
 44 by the federal Food and Drug Administration, and, if the patient

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted May 6, 2021.

1 accepts the offer for counseling, require the pharmacist to provide
2 the patient with specific and appropriate information about such
3 other forms of contraception, based on the results of the self-
4 screening tool administered pursuant to paragraph (5) of this
5 subsection; and

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

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

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

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

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

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

35 1. a. A hospital 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 hospital service
 11 corporation shall grant, 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 hospital 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 hospital service corporation has reserved the right to change the
 32 premium.

33 (cf: P.L.2005, c.251, s.1)**】**¹

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

37 2. a. A medical 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.) (pending
9 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 medical 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 medical 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 medical service corporation has reserved the right to change the
34 premium.

35 (cf: P.L.2005, c.251, s.2)**】¹**

36

37 ¹**【**5. Section 3 of P.L.2005, c.251 (C.17:48E-35.29) is amended
38 to read as follows:

39 3. a. A health service corporation that provides hospital or
40 medical expense benefits for expenses incurred in the purchase of
41 outpatient prescription drugs under a contract shall provide
42 coverage under every such contract delivered, issued, executed or
43 renewed in this State or approved for issuance or renewal in this
44 State by the Commissioner of Banking and Insurance, on or after
45 the effective date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.),
46 for expenses incurred in the purchase of prescription female
47 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 a health service
15 corporation shall grant, an exclusion under the contract for the
16 coverage required by this section if the required coverage conflicts
17 with the religious employer's bona fide religious beliefs and
18 practices. A religious employer that obtains such an exclusion shall
19 provide written notice thereof to prospective subscribers and
20 subscribers. The provisions of this section shall not be construed as
21 authorizing a health service corporation to exclude coverage for
22 prescription drugs that are prescribed for reasons other than
23 contraceptive purposes or for prescription female contraceptives
24 that are necessary to preserve the life or health of a subscriber. For
25 the purposes of this section, "religious employer" means an
26 employer that is a church, convention or association of churches or
27 an elementary or secondary school that is controlled, operated or
28 principally supported by a church or by a convention or association
29 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that
30 qualifies as a tax-exempt organization under 26 U.S.C. 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
33 contract.

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

37 (cf: P.L.2005, c.251, s.3)**】¹**

38

39 ¹**【6.** Section 4 of P.L.2005, c.251 (C.17B:27-46.1ee) is amended
40 to read as follows:

41 4. **a.** A group health insurer that provides hospital or medical
42 expense benefits for expenses incurred in the purchase of outpatient
43 prescription drugs under a policy shall provide coverage under
44 every such policy delivered, issued, executed or renewed in this
45 State or approved for issuance or renewal in this State by the
46 Commissioner of Banking and Insurance, on or after the effective

1 date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.), for expenses
2 incurred in the purchase of prescription female contraceptives.

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

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

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

35 e. This section shall apply to those policies in which the insurer
36 has reserved the right to change the premium.

37 (cf: P.L.2005, c.251, s.4)**】**¹

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

41 5. a. An individual health insurer that provides hospital or
42 medical expense benefits for expenses incurred in the purchase of
43 outpatient prescription drugs under a policy shall provide coverage
44 under every such policy delivered, issued, executed or renewed in
45 this State or approved for issuance or renewal in this State by the
46 Commissioner of Banking and Insurance, on or after the effective

1 date of **[this act]** P.L.2005, c.251 (C.17:48-6ee et al.), for expenses
2 incurred in the purchase of prescription female contraceptives.

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

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

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

35 e. This section shall apply to those policies in which the insurer
36 has reserved the right to change the premium.

37 (cf: P.L.2005, c.251, s.5)**】**¹
38

39 ¹**【**8. Section 6 of P.L.2005, c.251 (C.26:2J-4.30) is amended to
40 read as follows:

41 6. a. A certificate of authority to establish and operate a health
42 maintenance organization in this State shall not be issued or
43 continued on or after the effective date of **[this act]** P.L.2005, c.251
44 (C.17:48-6ee et al.), for a health maintenance organization that
45 provides health care services for outpatient prescription drugs under
46 a contract, unless the health maintenance organization also provides
47 health care services for 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 a health maintenance
15 organization shall grant, an exclusion under the contract for the
16 health care services required by this section if the required health
17 care services conflict with the religious employer's bona fide
18 religious beliefs and practices. A religious employer that obtains
19 such an exclusion shall provide written notice thereof to prospective
20 enrollees and enrollees. The provisions of this section shall not be
21 construed as authorizing a health maintenance organization to
22 exclude health care services for prescription drugs that are
23 prescribed for reasons other than contraceptive purposes or for
24 prescription female contraceptives that are necessary to preserve the
25 life or health of an enrollee. For the purposes of this section,
26 "religious employer" means an employer that is a church,
27 convention or association of churches or an elementary or
28 secondary school that is controlled, operated or principally
29 supported by a church or by a convention or association of churches
30 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-
31 exempt organization under 26 U.S.C. s.501(c)(3).

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

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

39 (cf: P.L.2005, c.251, s.6)**】¹**

40

41 ¹**【**9. Section 7 of P.L.2005, c.251 (C.17B:27A-7.12) is amended
42 to read as follows:

43 7. a. An individual health benefits plan required pursuant to
44 section 3 of P.L.1992, c.161 (C.17B:27A-4) that provides benefits
45 for expenses incurred in the purchase of outpatient prescription
46 drugs shall provide coverage for expenses incurred in the purchase
47 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 a carrier shall grant,
15 an exclusion under the health benefits plan for the coverage
16 required by this section if the required coverage conflicts with the
17 religious employer's bona fide religious beliefs and practices. A
18 religious employer that obtains such an exclusion shall provide
19 written notice thereof to prospective covered persons and covered
20 persons. The provisions of this section shall not be construed as
21 authorizing a carrier to exclude coverage for prescription drugs that
22 are prescribed for reasons other than contraceptive purposes or for
23 prescription female contraceptives that are necessary to preserve the
24 life or health of a covered person. For the purposes of this section,
25 "religious employer" means an employer that is a church,
26 convention or association of churches or an elementary or
27 secondary school that is controlled, operated or principally
28 supported by a church or by a convention or association of churches
29 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-
30 exempt organization under 26 U.S.C. 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 health
33 benefits plan.

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

37 (cf: P.L.2005, c.251, s.7)¹

38

39 ¹**【10.** Section 8 of P.L.2005, c.251 (C.17B:27A-19.15) is
40 amended to read as follows:

41 8. **a.** A small employer health benefits plan required pursuant
42 to section 3 of P.L.1992, c.162 (C.17B:27A-19) that provides
43 benefits for expenses incurred in the purchase of outpatient
44 prescription drugs shall provide coverage for expenses incurred in
45 the purchase 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 small employer 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.8)**】¹**

36

37 ¹**【**11. Section 9 of P.L.2005, c.251 (C.17:48F-13.2) is amended
38 to read as follows:

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

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

35 **e.** This section shall apply to those prepaid prescription
36 contracts in which the prepaid prescription service organization has
37 reserved the right to change the premium.

38 (cf: P.L.2005, c.251, s.9)**】¹**

39

40 ¹**【12.** Section 10 of P.L.2005, c.251 (C.52:14-17.29j) is
41 amended to read as follows:

42 10. **a.** The State Health Benefits Commission shall ensure that
43 every contract purchased by the commission on or after the
44 effective date of **【this act】 P.L.2005, c.251 (C.17:48-6ee et al.)** that
45 provides benefits for expenses incurred in the purchase of
46 outpatient prescription drugs shall provide benefits for expenses
47 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 (cf: P.L.2005, c.251, s.10)**】¹**

15
16 ¹**【13.】 3.**¹ This act shall take effect on the first day of the
17 fourth month next following the date of enactment, except that the
18 Board of Pharmacy and the State Board of Medical Examiners may
19 take any administrative action in advance thereof as shall be
20 necessary for the implementation of this act.