

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 404

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 404.

As amended by the committee, 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.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments remove language from the bill that would have amended various health insurance statutes to clarify coverage requirements for prescription female contraceptives purchased pursuant to a standing order issued under the bill. Because of an intervening enactment, P.L.2019, c.361, the clarifying language is no longer necessary to ensure that prescription female contraceptives dispensed by a pharmacist pursuant to a standing order are covered by health insurance.