

HOUSE BILL No. 1224

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-26-25.

Synopsis: Pharmacist contraceptive prescriptions. Allows pharmacists to prescribe and dispense self-administered oral hormonal contraceptives and hormonal contraceptive patches (contraceptives). Establishes requirements for pharmacists who want to prescribe and dispense contraceptives. Requires the Indiana board of pharmacy to adopt rules. Requires health plans to provide coverage for contraceptives and certain services. Establishes an exception for nonprofit religious employers.

Effective: July 1, 2023.

Fleming, Clere, Vermilion

January 10, 2023, read first time and referred to Committee on Public Health.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1224

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-26-25 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]:
4 **Chapter 25. Hormonal Contraceptives**
5 **Sec. 1. The definitions in IC 25-26-13-2 apply to this chapter.**
6 **Sec. 2. As used in this chapter, "health plan" means:**
7 (1) a policy of accident and sickness insurance (as defined in
8 IC 27-8-5-1); or
9 (2) an individual contract or a group contract with a health
10 maintenance organization under IC 27-13.
11 **Sec. 3. As used in this chapter, "hormonal contraceptive patch"**
12 **means a transdermal patch applied to the skin of a patient, by the**
13 **patient or by a pharmacist, that releases a drug composed of a**
14 **combination of hormones that is approved by the federal Food and**
15 **Drug Administration to prevent pregnancy.**
16 **Sec. 4. As used in this chapter, "self-administered oral hormonal**
17 **contraceptive" means a drug:**



1 (1) composed of a hormone or a combination of hormones
 2 that is approved by the federal Food and Drug Administration
 3 to prevent pregnancy; and

4 (2) that the patient to whom the drug is prescribed may take
 5 orally to administer to herself.

6 **The term includes hormonal contraceptive pills.**

7 **Sec. 5. A pharmacist may prescribe and dispense hormonal**
 8 **contraceptive patches and self-administered oral hormonal**
 9 **contraceptives to a person who is at least eighteen (18) years of age,**
 10 **regardless of whether the person has evidence of a previous**
 11 **prescription from a primary care practitioner or women's health**
 12 **care practitioner for a hormonal contraceptive patch or**
 13 **self-administered oral hormonal contraceptive.**

14 **Sec. 6. (a) Before January 1, 2024, the board shall adopt rules**
 15 **under IC 4-22-2 to establish:**

16 (1) in consultation with the Indiana department of health;

17 (2) in consideration of guidelines established by federal
 18 Centers for Disease Control and Prevention; and

19 (3) with the approval of the medical licensing board of
 20 Indiana;

21 **standard procedures for the prescribing of hormonal contraceptive**
 22 **patches and self-administered oral hormonal contraceptives by**
 23 **pharmacists.**

24 **(b) The rules adopted under this section must require a**
 25 **pharmacist to do the following:**

26 (1) Complete a training program approved by the board that
 27 is related to prescribing hormonal contraceptive patches and
 28 self-administered oral hormonal contraceptives. The board
 29 may adopt a training program developed by another state.

30 (2) Provide a self-screening risk assessment tool that the
 31 patient must use prior to the pharmacist's prescribing the
 32 hormonal contraceptive patch or self-administered oral
 33 hormonal contraceptive to assess for medical
 34 contraindications, including high blood pressure.

35 (3) Require that the pharmacist take the patient's blood
 36 pressure before prescribing the hormonal contraceptive patch
 37 or self-administered oral hormonal contraceptive.

38 (4) Refer the patient to the patient's primary care practitioner
 39 or women's health care practitioner upon prescribing and
 40 dispensing the hormonal contraceptive patch or
 41 self-administered oral hormonal contraceptive. However, if
 42 the patient does not have a primary care practitioner or



1 women's health care practitioner, the pharmacist shall
2 provide the patient with local resources to find a practitioner.

3 (5) Provide the patient with a written record of the hormonal
4 contraceptive patch or self-administered oral hormonal
5 contraceptive prescribed and dispensed and advise the patient
6 to consult with a primary care practitioner or women's health
7 care practitioner.

8 (6) Recommend that the patient have a clinical visit with a
9 primary care practitioner or women's health care practitioner
10 for a women's health examination at least every two (2) years.

11 (7) Require the dispensing pharmacist to dispense the
12 hormonal contraceptive patch or self-administered oral
13 hormonal contraceptive to the patient as soon as practicable
14 after the pharmacist issues the prescription.

15 (8) Inform the patient of the risks and benefits of the use of a
16 hormonal contraceptive patch or self-administered oral
17 hormonal contraceptive and that the contraceptive does not
18 protect the patient against a sexually transmitted disease.

19 (c) The rules adopted under this section must prohibit a
20 pharmacist from requiring a patient to schedule an appointment
21 with the pharmacist for the prescribing or dispensing of a
22 hormonal contraceptive patch or self-administered oral hormonal
23 contraceptive.

24 (d) All state and federal laws governing insurance coverage of
25 contraceptive drugs, devices, products, and services apply to
26 hormonal contraceptive patches and self-administered oral
27 hormonal contraceptives prescribed by a pharmacist under this
28 chapter.

29 (e) Notwithstanding subsection (a), if the board has not adopted
30 rules under this section before January 1, 2024, the board may
31 adopt emergency rules under IC 4-22-2-37.1. Notwithstanding
32 IC 4-22-2-37.1(g), an emergency rule adopted by the board under
33 this subsection and in the manner provided by IC 4-22-2-37.1
34 expires on the date on which a rule that supersedes the emergency
35 rule is adopted by the board under IC 4-22-2-24 through
36 IC 4-22-2-36. This subsection expires July 1, 2024.

37 Sec. 7. (a) A health plan must provide payment, coverage, or
38 reimbursement for:

39 (1) prescription hormonal contraceptive patches and
40 self-administered oral hormonal contraceptives; and

41 (2) if covered for other drug benefits by the health plan,
42 outpatient consultations, including pharmacist consultations,



1 examinations, procedures, and medical services that are
2 necessary to prescribe, dispense, deliver, or distribute
3 prescription hormonal contraceptive patches or
4 self-administered oral hormonal contraceptives.

5 **(b) The coverage required in subsection (a):**

6 (1) may be subject to provisions of the health plan that apply
7 equally to other prescription drugs covered by the health
8 plan, including required copayments, deductibles, and
9 coinsurance; and

10 (2) must reimburse a health care provider or dispensing entity
11 for a dispensing of contraceptives intended to last for a twelve
12 (12) month period for dispensings of the same hormonal
13 contraceptive patch or self-administered oral hormonal
14 contraceptive to the patient regardless of whether the insured
15 was enrolled in the program, plan, or policy at the time the
16 contraceptive was first dispensed.

17 **(c) A religious employer that is a nonprofit organization under**
18 **Section 6033(a)(3)(A)(i) or Section 6033(a)(3)(A)(iii) of the Internal**
19 **Revenue Code is exempt from the requirements of this section with**
20 **respect to a health plan it provides to its employees.**

