

**HOUSE . . . . . No. 3498**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to modernize standing orders for emergency contraception.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>

**HOUSE . . . . . No. 3498**

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3498) of Marjorie C. Decker and others relative to standing orders for emergency contraception. Public Health.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act to modernize standing orders for emergency contraception.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 19A of chapter 94C of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof  
3 the following 2 subsections:-

4           (b) The department shall ensure that a statewide standing order is issued to authorize the  
5 dispensing of emergency contraception in the commonwealth by any licensed pharmacist. The  
6 statewide standing order shall include, but not be limited to, written, standardized procedures or  
7 protocols for the dispensing of emergency contraception by a licensed pharmacist.

8 Notwithstanding any general or special law to the contrary, the commissioner, or a physician  
9 who is designated by the commissioner and is registered to distribute or dispense a controlled  
10 substance in the course of professional practice under section 7, may issue a statewide standing  
11 order that may be used for a licensed pharmacist to dispense emergency contraception under this  
12 section. Except for an act of gross negligence or willful misconduct, the commissioner or a

13 physician who issues said statewide standing order shall not be subject to any criminal or civil  
14 liability or any professional disciplinary action related to said order.

15 (b1/2) Notwithstanding any general or special law to the contrary, a licensed pharmacist  
16 may dispense emergency contraception in accordance with the statewide standing order issued  
17 under subsection (b). Except for an act of gross negligence or willful misconduct, a pharmacist  
18 who, acting in good faith, dispenses emergency contraception in accordance with said order shall  
19 not be subject to any criminal or civil liability or any professional disciplinary action by the  
20 board of registration in pharmacy related to the use or administration of emergency  
21 contraception.

22 SECTION 2. Subsection (d) of said section 19A of said chapter 94C, as so appearing in  
23 the 2016 Official Edition, is hereby amended by striking out the first sentence and inserting in  
24 place thereof the following sentence:-

25 A pharmacist who dispenses emergency contraception shall annually report to the  
26 department the number of emergency contraception doses dispensed.