

HOUSE BILL No. 1141

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-26-25.

Synopsis: Birth control 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 health plans to provide coverage for contraceptives and certain services. Establishes an exception for nonprofit religious employers.

Effective: July 1, 2020.

Fleming

January 7, 2020, read first time and referred to Committee on Public Health.



Second Regular Session of the 121st General Assembly (2020)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1141

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, 2020]:

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 section, "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 oneself.

6 The term includes hormonal contraceptive patches and hormonal
7 contraceptive pills.

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

15 Sec. 6. (a) The board shall adopt rules under IC 4-22-2 to
16 establish, in consultation with the medical licensing board of
17 Indiana, the Indiana state board of nursing, and the state
18 department of health, and in consideration of guidelines
19 established by the American Congress of Obstetricians and
20 Gynecologists, standard procedures for the prescribing of
21 hormonal contraceptive patches and self-administered oral
22 hormonal contraceptives by pharmacists.

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

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

29 (2) Provide a self-screening risk assessment tool that the
30 patient must use prior to the pharmacist's prescribing the
31 hormonal contraceptive patch or self-administered oral
32 hormonal contraceptive.

33 (3) Refer the patient to the patient's primary care practitioner
34 or women's health care practitioner upon prescribing and
35 dispensing the hormonal contraceptive patch or
36 self-administered oral hormonal contraceptive.

37 (4) Provide the patient with a written record of the hormonal
38 contraceptive patch or the self-administered oral hormonal
39 contraceptive prescribed and dispensed and advise the patient
40 to consult with a primary care practitioner or women's health
41 care practitioner.

42 (5) Dispense the hormonal contraceptive patch or



- 1 self-administered oral hormonal contraceptive to the patient
 2 as soon as practicable after the pharmacist issues the
 3 prescription.
- 4 (c) The rules adopted under this section must prohibit a
 5 pharmacist from the following:
- 6 (1) Requiring a patient to schedule an appointment with the
 7 pharmacist for the prescribing or dispensing of a hormonal
 8 contraceptive patch or self-administered oral hormonal
 9 contraceptive.
- 10 (2) Prescribing and dispensing a hormonal contraceptive
 11 patch or self-administered oral hormonal contraceptive to a
 12 patient who does not have evidence of a clinical visit for
 13 women's health within the three (3) years immediately
 14 following the initial prescription and dispensation of a
 15 hormonal contraceptive patch or self-administered oral
 16 hormonal contraceptive by a pharmacist to the patient.
- 17 (d) All state and federal laws governing insurance coverage of
 18 contraceptive drugs, devices, products and services apply to
 19 hormonal contraceptive patches and self-administered oral
 20 hormonal contraceptives prescribed by a pharmacist under this
 21 section.
- 22 Sec. 7. (a) A health plan must provide payment, coverage, or
 23 reimbursement for:
- 24 (1) prescription contraceptives; and
 25 (2) if covered for other drug benefits by the health plan,
 26 outpatient consultations, including pharmacist consultations,
 27 examinations, procedures, and medical services that are
 28 necessary to prescribe, dispense, deliver, or distribute a
 29 prescription contraceptive.
- 30 (b) The coverage required in subsection (a):
- 31 (1) may be subject to provisions of the health plan that apply
 32 equally to other prescription drugs covered by the health
 33 plan, including required copayments, deductibles, and
 34 coinsurance; and
 35 (2) must reimburse a health care provider or dispensing entity
 36 for a dispensing of contraceptives intended to last for a:
- 37 (A) three (3) month period for the first dispensing of the
 38 contraceptive to the patient; and
 39 (B) twelve (12) month period for subsequent dispensings of
 40 the same contraceptive to the patient regardless of whether
 41 the insured was enrolled in the program, plan, or policy at
 42 the time of the first dispensing.



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

