

Section 1 Header

2018 SESSION

18-2207.2  
01/04

HOUSE BILL            *[bill number]*

AN ACT                making hormonal contraceptives available directly from pharmacists by means of  
a standing order.

SPONSORS:            [sponsors]

COMMITTEE:          [committee]

---

ANALYSIS

This bill allows pharmacists to dispense hormonal contraceptives pursuant to a standing order entered into by health care providers.

This bill is the result of the commission established pursuant to 2017, 23.

-----

Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eighteen*

AN ACT making hormonal contraceptives available directly from pharmacists by means of a standing order.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Pharmacies; Definitions. Amend RSA 318:1, VI-f to read as follows:

2 VI-f. ***"Hormonal contraceptives" means pills, shots, patches, and rings which the***  
3 ***United States Food and Drug Administration (FDA) classifies as available by prescription***  
4 ***for the purpose of contraception or emergency contraception. It does not include similar***  
5 ***items classified as "over the counter" by the FDA, intrauterine devices, or intradermal***  
6 ***implants.***

7 VI-g. "Law enforcement officer" means any officer of the state or political subdivision of the  
8 state who is empowered by law to conduct investigations of or to make arrests for offenses  
9 enumerated in this chapter.

10 2 New Section; Hormonal Contraceptives; Dispensing. Amend RSA 318 by inserting after  
11 section 47-k the following new section:

12 318:47-l Hormonal Contraceptives; Dispensing.

13 I. In this section, standing order" means a written and signed protocol authored by one or  
14 more physicians licensed under RSA 329:12 or one or more advanced practice registered nurses  
15 licensed under RSA 326-B:18. Such agreement shall specify a protocol allowing the pharmacist  
16 licensed under RSA 318-B:18 to dispense hormonal contraceptives under the delegated prescriptive  
17 authority of the physician or APRN, specify a mechanism to document screening performed and the  
18 prescription in the patient's medical record, and include a plan for evaluating and treating adverse  
19 events. Any such prescription shall be regarded as being issued for a legitimate medical purpose in  
20 the usual course of professional practice.

21 II. Licensed pharmacists following standing orders may dispense hormonal contraceptives  
22 to persons in this state without a prior prescription. Such products shall only be dispensed by  
23 pharmacy employees, and shall not be accessible by the public without the assistance of a pharmacy  
24 employee.

25 III. A pharmacist or pharmacy shall not employ a physician or APRN for the sole purpose of  
26 issuing standing orders. A pharmacist, pharmacy, physician, or APRN issuing standing orders  
27 shall be prohibited from seeking personal financial benefit by participating in any incentive-based  
28 program or accepting any inducement that influences or encourages therapeutic or product changes  
29 or the ordering of tests or services.

30 IV. Prior to dispensing hormonal contraceptives under this section, a pharmacist shall

**Section 3 Header**  
**- Page 2 -**

1 complete contraceptive education and training in accordance with continuing education  
2 requirements established by the board.

3 V. The pharmacist shall provide each recipient of hormonal contraceptives pursuant to this  
4 section with a standardized information sheet written in plain language, which shall include, but is  
5 not limited to, the indication for the use of the hormonal contraceptive, the importance of follow-up  
6 care, and health care referral information.

7 VI. The board shall adopt rules, pursuant to RSA 541-A, relative to:

8 (a) Education and training required under paragraph IV.

9 (b) Content and format of the information sheet required under paragraph V.

10 (c) Other matters necessary to the proper administration of this section.

11 VII. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary  
12 action against a physician based on a pharmacist's failure to follow standing orders provided the  
13 provisions of this section and the rules adopted under this section are satisfied. The board of  
14 nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an APRN  
15 based on a pharmacist's failure to follow standing orders provided the provisions of this section and  
16 the rules adopted under this section are satisfied. The board of pharmacy shall not deny, revoke,  
17 suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders  
18 based on a defect in those standing orders provided the provisions of this section and the rules  
19 adopted under this section are satisfied.

20 3 New Paragraph; Pharmacists; Rulemaking. Amend RSA 318:5-a by inserting after paragraph  
21 XVIII the following new paragraph:

22 XIX. Dispensing hormonal contraceptives in accordance with RSA 318:47-1.

23 4 Insurance; Group; Coverage for Prescription Contraceptive Drugs and Prescription  
24 Contraceptive Devices and for Contraceptive Services. Amend RSA 415:18-i to read as follows:

25 415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices  
26 and for Contraceptive Services. Each insurer that issues or renews any group policy of accident or  
27 health insurance providing benefits for medical or hospital expenses, which provides coverage for  
28 outpatient services shall provide to each group, or to the portion of each group comprised of  
29 certificate holders of such insurance who are residents of this state, coverage for outpatient  
30 contraceptive services under the same terms and conditions as for other outpatient services.  
31 "Outpatient contraceptive services" means consultations, examinations, and medical services,  
32 provided on an outpatient basis, ***including medication therapy management services***  
33 ***provided by a pharmacist*** and related to the use of contraceptive methods to prevent pregnancy  
34 which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or  
35 renews any policy of group accident or health insurance providing benefits for medical or hospital  
36 expenses which provides a prescription rider shall cover all prescription contraceptive drugs and  
37 prescription contraceptive devices approved by the U.S. Food and Drug Administration under the  
38 same terms and conditions as other prescription drugs. Nothing in this section shall be construed

**Section 3 Header**  
**- Page 3 -**

1 as altering the terms and conditions of a contract relating to prescription drugs and outpatient  
2 services.

3 5 Insurance; Health Service Corporations; Coverage for Prescription Contraceptive Drugs and  
4 Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-A:17-c to read  
5 as follows:

6 420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive  
7 Devices and for Contraceptive Services. Every health service corporation and every other similar  
8 corporation licensed under the laws of another state that issues or renews any policy of group  
9 accident or health insurance providing benefits for medical or hospital expenses, which provides  
10 coverage for outpatient services shall provide to each group, or to the portion of each group  
11 comprised of certificate holders of such insurance who are residents of this state, coverage for  
12 outpatient contraceptive services under the same terms and conditions as for other outpatient  
13 services. "Outpatient contraceptive services" means consultations, examinations, and medical  
14 services, provided on an outpatient basis, ***including medication therapy management services***  
15 ***provided by a pharmacist***, and related to the use of contraceptive methods to prevent pregnancy  
16 which has been approved by the U.S. Food and Drug Administration. Each health service  
17 corporation and every other similar corporation licensed under the laws of a different state that  
18 issues or renews any group policy of accident or health insurance providing benefits for medical or  
19 hospital expenses which provides a prescription rider shall cover all prescription contraceptive  
20 drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration  
21 under the same terms and conditions as other prescription drugs. Nothing in this section shall be  
22 construed as altering the terms and conditions of a contract relating to prescription drugs and  
23 outpatient services.

24 6 Insurance; Health Maintenance Organizations; Coverage for Prescription Contraceptive  
25 Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-  
26 B:8-gg to read as follows:

27 420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive  
28 Devices and for Contraceptive Services. Every health maintenance organization and every other  
29 similar corporation licensed under the laws of another state that issues or renews any policy of  
30 group health insurance providing benefits for medical or hospital expenses, which provides coverage  
31 for outpatient services shall provide to each group, or to the portion of each group comprised of  
32 certificate holders of such insurance who are residents of this state, coverage for outpatient  
33 contraceptive services under the same terms and conditions as for other outpatient services.  
34 "Outpatient contraceptive services" means consultations, examinations, and medical services,  
35 provided on an outpatient basis, ***including medication therapy management services***  
36 ***provided by a pharmacist***, and related to the use of contraceptive methods to prevent pregnancy  
37 which has been approved by the U.S. Food and Drug Administration. Each health maintenance  
38 organization and every other similar corporation licensed under the laws of another state that

**Section 3 Header**

**- Page 4 -**

1 issues or renews any group health insurance providing benefits for medical or hospital expenses  
2 which provides a prescription rider shall cover all prescription contraceptive drugs and prescription  
3 contraceptive devices approved by the U.S. Food and Drug Administration under the same terms  
4 and conditions as other prescription drugs. Nothing in this section shall be construed as altering  
5 the terms and conditions of a contract relating to prescription drugs and outpatient services.

6 7 Effective Date. This act shall take effect 60 days after its passage.