

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Brent Johnson NJ Advance Media, 'New law permits certain birth control without Rx in NJ', *Jersey Journal, The* (online), 14 Jan 2023 009

Brent Johnson - For The Star-Ledger, 'Birth-control pills to be sold in N.J. without a prescription New law signed exactly a year after the state preserved the right to obtain an abortion.', *Star-Ledger, The* (online), 14 Jan 2023 001<

'NJ law permits certain birth control without prescription', *Associated Press State Wire: New Jersey* (online), 13 Jan 2023

YOU MAY BE INTERESTED IN:

2022-1207 NJ Attorney General Letter to Board of Medical Examiners, Board of Nursing, Board of Pharmacy, Physicians Assistant Advisory Committee, and Midwifery Liaison Committee. December 7, 2022.
https://www.nj.gov/oag/newsreleases22/2022-1207_AG-Letter-to-Boards.pdf

2024-001 Standing Order for Self-Administered Hormonal Contraceptives, New Jersey Department of Health, May 17, 2024
https://nj.gov/health/reproductivehealth/documents/Standing_Order_Hormonal_Contraceptives_May_2024.pdf

§§1,2
C.45:14-67.9
and 45:14-67.10
§1
Note to
R.S.45:9-1
§3
Note to
§§1, 2, and
R.S.45:9-1

P.L. 2023, CHAPTER 2, *approved January 13, 2023*
Senate, No. 275 (*Second Reprint*)

1 AN ACT concerning contraceptives and supplementing P.L.2003,
2 c.280 (C.45:14-40 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Notwithstanding any other law to the contrary, a pharmacist
8 shall be authorized to furnish self-administered hormonal
9 contraceptives to a patient, in accordance with standardized
10 procedures and protocols to be jointly developed and approved by
11 the Board of Pharmacy and the State Board of Medical Examiners,
12 in consultation with the American Congress of Obstetricians and
13 Gynecologists, the New Jersey Pharmacists Association, and other
14 appropriate entities, and in accordance with the “Administrative
15 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) and the
16 provisions of this subsection.

17 b. At a minimum, the standardized procedures and protocols
18 adopted under this subsection shall:

19 (1) require a pharmacist, as a condition of furnishing self-
20 administered hormonal contraceptives to patients pursuant to this
21 section, to ²:

22 (i) ² complete a training program jointly approved by the Board
23 of Pharmacy and the State Board of Medical Examiners ²; and

24 (ii) affirm, in writing, that he or she has completed appropriate
25 training and will follow pertinent guidelines offered by the federal
26 Centers for Disease Control and Prevention, including the United
27 States Medical Eligibility Criteria for Contraceptive Use, which
28 written affirmation shall be retained by the pharmacist as a medical
29 record, in a manner and for such periods of time, as required by
30 law²;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted May 12, 2022.

²Assembly AHE committee amendments adopted November 14, 2022.

- 1 (2) provide for the issuance of a standing order authorizing
2 pharmacists in this State to furnish self-administered hormonal
3 contraceptives to patients without an individual prescription;
- 4 (3) identify the self-administered hormonal contraceptives that a
5 pharmacist will be authorized to furnish to patients pursuant to the
6 standing order;
- 7 (4) require a pharmacist to make clinical decisions that are free
8 from any financial influence imposed by insurance providers,
9 contraceptive product manufacturers, and other parties having a
10 financial interest in the disbursement or non-disbursement of self-
11 administered hormonal contraceptives;
- 12 (5) require a patient, prior to obtaining a self-administered
13 hormonal contraceptive pursuant to this section, to ²use a self-
14 screening tool be evaluated through the administration of a
15 questionnaire by the dispensing pharmacist, which questionnaire
16 shall be developed by the Department of Health,² that will identify
17 patient risk factors for the use of self-administered hormonal
18 contraceptives, based on the current United States Medical
19 Eligibility Criteria for Contraceptive Use ²[(US MEC) developed
20 by the federal Centers for Disease Control and Prevention] . The
21 patient's responses to the written questionnaire shall be retained as
22 a medical record, in a manner and for such periods of time, as
23 required by law²;
- 24 (6) require a pharmacist to offer to provide counseling to a
25 patient about other forms of contraception that have been approved
26 by the federal Food and Drug Administration, and, if the patient
27 accepts the offer for counseling, require the pharmacist to provide
28 the patient with specific and appropriate information about such
29 other forms of contraception, based on the results of the ²self-
30 screening tool questionnaire² administered pursuant to paragraph
31 (5) of this subsection; and
- 32 (7) require a pharmacist, upon furnishing a self-administered
33 hormonal contraceptive to a patient, or upon determining that a self-
34 administered hormonal contraceptive is not recommended, to refer
35 the patient to the patient's primary care provider, or, if the patient
36 does not have a primary care provider, to an appropriate and nearby
37 medical clinic.
- 38 c. The Board of Pharmacy and the Board of Medical
39 Examiners are ¹[both] each¹ authorized to ensure compliance with
40 the provisions of this section, and each board is specifically charged
41 with the enforcement of this section as applied to its respective
42 licensees.
- 43 d. As used in this section, "self-administered hormonal
44 contraceptive" means any oral, transdermal, or vaginal
45 contraceptive product, including, but not limited to, birth control
46 pills, vaginal rings, and diaphragms.

1 e. Nothing in this section shall be ~~‘[deemed] construed’~~¹ to
2 expand the authority of a pharmacist to prescribe any prescription
3 medication. ¹The requirements of this section shall not apply to a
4 pharmacist dispensing a self-administered hormonal contraceptive
5 pursuant to an individual prescription issued by a health care
6 practitioner authorized to prescribe self-administered hormonal
7 contraceptives in the course of professional practice.¹

8
9 2. The Commissioner of Health shall establish a public
10 awareness campaign to inform the general public concerning the
11 ability to obtain self-administered hormonal contraceptives from a
12 pharmacy without an individual prescription pursuant to the
13 provisions of section 1 of P.L. , c. (C.) (pending before the
14 Legislature as this bill). There shall be appropriated to the
15 Department of Health such funding as shall be necessary to
16 implement the provisions of this section.

17
18 3. This act shall take effect on the first day of the fourth month
19 next following the date of enactment, except that the Board of
20 Pharmacy and the State Board of Medical Examiners may take any
21 administrative action in advance thereof as shall be necessary for
22 the implementation of this act.

23
24
25 _____
26
27 Permits pharmacists to furnish self-administered hormonal
28 contraceptives pursuant to a standing order, in accordance with
29 protocols established by Board of Pharmacy and Board of Medical
30 Examiners.

SENATE, No. 275

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senator Ruiz

SYNOPSIS

Permits pharmacists to furnish self-administered hormonal contraceptives pursuant to a standing order, in accordance with protocols established by Board of Pharmacy and Board of Medical Examiners.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning contraceptives and supplementing P.L.2003,
2 c.280 (C.45:14-40 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Notwithstanding any other law to the contrary, a
8 pharmacist shall be authorized to furnish self-administered
9 hormonal contraceptives to a patient, in accordance with
10 standardized procedures and protocols to be jointly developed and
11 approved by the Board of Pharmacy and the State Board of Medical
12 Examiners, in consultation with the American Congress of
13 Obstetricians and Gynecologists, the New Jersey Pharmacists
14 Association, and other appropriate entities, and in accordance with
15 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
16 1 et seq.) and the provisions of this subsection.

17 b. At a minimum, the standardized procedures and protocols
18 adopted under this subsection shall:

19 (1) require a pharmacist, as a condition of furnishing self-
20 administered hormonal contraceptives to patients pursuant to this
21 section, to complete a training program jointly approved by the
22 Board of Pharmacy and the State Board of Medical Examiners;

23 (2) provide for the issuance of a standing order authorizing
24 pharmacists in this State to furnish self-administered hormonal
25 contraceptives to patients without an individual prescription;

26 (3) identify the self-administered hormonal contraceptives that a
27 pharmacist will be authorized to furnish to patients pursuant to the
28 standing order;

29 (4) require a pharmacist to make clinical decisions that are free
30 from any financial influence imposed by insurance providers,
31 contraceptive product manufacturers, and other parties having a
32 financial interest in the disbursement or non-disbursement of self-
33 administered hormonal contraceptives;

34 (5) require a patient, prior to obtaining a self-administered
35 hormonal contraceptive pursuant to this section, to use a self-
36 screening tool that will identify patient risk factors for the use of
37 self-administered hormonal contraceptives, based on the current
38 United States Medical Eligibility Criteria for Contraceptive Use
39 (US MEC) developed by the federal Centers for Disease Control
40 and Prevention;

41 (6) require a pharmacist to offer to provide counseling to a
42 patient about other forms of contraception that have been approved
43 by the federal Food and Drug Administration, and, if the patient
44 accepts the offer for counseling, require the pharmacist to provide
45 the patient with specific and appropriate information about such
46 other forms of contraception, based on the results of the self-
47 screening tool administered pursuant to paragraph (5) of this
48 subsection; and

1 (7) require a pharmacist, upon furnishing a self-administered
2 hormonal contraceptive to a patient, or upon determining that a self-
3 administered hormonal contraceptive is not recommended, to refer
4 the patient to the patient's primary care provider, or, if the patient
5 does not have a primary care provider, to an appropriate and nearby
6 medical clinic.

7 c. The Board of Pharmacy and the Board of Medical
8 Examiners are both authorized to ensure compliance with the
9 provisions of this section, and each board is specifically charged
10 with the enforcement of this section as applied to its respective
11 licensees.

12 d. As used in this section, "self-administered hormonal
13 contraceptive" means any oral, transdermal, or vaginal
14 contraceptive product, including, but not limited to, birth control
15 pills, vaginal rings, and diaphragms.

16 e. Nothing in this section shall be deemed to expand the
17 authority of a pharmacist to prescribe any prescription medication.
18

19 2. The Commissioner of Health shall establish a public
20 awareness campaign to inform the general public concerning the
21 ability to obtain self-administered hormonal contraceptives from a
22 pharmacy without an individual prescription pursuant to the
23 provisions of section 1 of P.L. , c. (C.) (pending before the
24 Legislature as this bill). There shall be appropriated to the
25 Department of Health such funding as shall be necessary to
26 implement the provisions of this section.
27

28 3. This act shall take effect on the first day of the fourth month
29 next following the date of enactment, except that the Board of
30 Pharmacy and the State Board of Medical Examiners may take any
31 administrative action in advance thereof as shall be necessary for
32 the implementation of this act.
33
34

35 STATEMENT

36
37 This bill permits pharmacists to furnish self-administered
38 hormonal contraceptives to patients without an individual prescription,
39 pursuant to procedures and protocols that are to be jointly adopted,
40 pursuant to the "Administrative Procedure Act," by the Board of
41 Pharmacy and the State Board of Medical Examiners (BME), in
42 consultation with the American Congress of Obstetricians and
43 Gynecologists, the New Jersey Pharmacists Association, and other
44 appropriate entities. Self-administered hormonal contraceptives are
45 defined to mean any oral, transdermal, or vaginal contraceptive
46 product, including, but not limited to, birth control pills, vaginal rings,
47 and diaphragms.

1 The procedures and protocols established by the Board of
2 Pharmacy and the BME are to: (1) require the pharmacist to complete
3 an approved training program as a condition of furnishing self-
4 administered hormonal contraceptives pursuant to the bill; (2) provide
5 for the issuance of a standing order authorizing pharmacists to furnish
6 self-administered hormonal contraceptives to patients without an
7 individual prescription; (3) identify the self-administered hormonal
8 contraceptives that a pharmacist will be authorized to furnish to
9 patients pursuant to the standing order; (4) require a pharmacist to
10 make clinical decisions that are free from any financial influence
11 imposed by insurance providers, contraceptive product manufacturers,
12 and other parties having a financial interest in the disbursement or
13 non-disbursement of self-administered hormonal contraceptives; (5)
14 require a patient, prior to obtaining a self-administered hormonal
15 contraceptive, to use a self-screening tool that will identify patient risk
16 factors for the use of self-administered hormonal contraceptives, based
17 on the current United States Medical Eligibility Criteria for
18 Contraceptive Use (US MEC) developed by the federal Centers for
19 Disease Control and Prevention; (6) require a pharmacist to offer to
20 provide counseling to a patient about other forms of contraception that
21 have been approved by the federal Food and Drug Administration,
22 and, if the patient accepts the offer for counseling, require the
23 pharmacist to provide the patient with specific and appropriate
24 information about such other forms of contraception, based on the
25 results of the self-screening tool; and (7) require a pharmacist, upon
26 furnishing a self-administered hormonal contraceptive to a patient, or
27 upon determining that a self-administered hormonal contraceptive is
28 not recommended, to refer the patient to the patient's primary care
29 provider, or, if the patient does not have a primary care provider, to an
30 appropriate and nearby medical clinic.

31 The Board of Pharmacy and the BME will both be authorized to
32 ensure compliance with these provisions, and each board will be
33 specifically charged with the enforcement of these procedures and
34 protocols, as applied to that board's licensees.

35 The bill requires the Commissioner of Health to establish a public
36 awareness campaign to make the general public aware of the
37 availability to obtain self-administered hormonal contraceptives from a
38 pharmacy without the need for an individualized prescription. The
39 Department of Health is to be appropriated such funding as is
40 necessary to establish the campaign.

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

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 275

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2022

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 275 (1R).

As amended, 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 a pharmacist, as a condition of furnishing self-administered hormonal contraceptives to patients pursuant to the bill, to:

(i) complete a training program jointly approved by the Board of Pharmacy and the State Board of Medical Examiners; and

(ii) affirm, in writing, that he or she has completed appropriate training and will follow pertinent guidelines offered by the federal Centers for Disease Control and Prevention, including the United States Medical Eligibility Criteria for Contraceptive Use, which written affirmation is to be retained by the pharmacist as a medical record, in a manner and for such periods of time, as required by law;

(2) provide for the issuance of a standing order authorizing pharmacists in this State 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 be evaluated through the administration of a questionnaire by the dispensing pharmacist, which questionnaire is to be developed by the Department of Health, 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. The patient's responses to the written questionnaire are to be retained as a medical record, in a manner and for such periods of time, as required by law;

(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 questionnaire administered pursuant to the bill; 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 each 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 specifies that nothing in its provisions is to be deemed to expand the authority of a pharmacist to prescribe any prescription medication. As amended, the bill further specifies that its requirements do not apply to pharmacists dispensing self-administered hormonal contraceptives pursuant to a prescription issued by a licensed health care practitioner.

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 bill provides that the Department of Health is to be appropriated such funding as is necessary to establish the campaign.

As reported by the committee, Senate Bill No. 275 (1R) is identical to Assembly Bill No. 4149 which was reported by the committee with amendments on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) require a pharmacist to affirm, in writing, that he or she has completed appropriate training and will follow pertinent guidelines offered by the federal Centers for Disease Control and Prevention, including the United States Medical Eligibility Criteria for Contraceptive Use, which written affirmation is to be retained by the pharmacist as a medical record, in a manner and for such periods of time, as required by law;

(2) require a patient to be evaluated through the administration of a questionnaire by the dispensing pharmacist, as opposed to a self-screening tool, which questionnaire is to be developed by the Department of Health;

(3) require the patient's responses to the written questionnaire to be retained as a medical record, in a manner and for such periods of time, as required by law; and

(4) make a technical change involving usage.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 275

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 275 with committee amendments.

As amended, 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 under the bill; (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 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 each 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 specifies that nothing in its provisions is to be deemed to expand the authority of a pharmacist to prescribe any prescription medication. As amended, the bill further specifies that its requirements do not apply to pharmacists dispensing self-administered hormonal contraceptives pursuant to a prescription issued by a licensed health care practitioner.

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 bill provides that 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 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments add language specifying that the requirements of the bill do not apply to a pharmacist dispensing a self-administered hormonal contraceptive pursuant to a prescription issued by a licensed health care practitioner.

The committee amendments make various technical changes to address issues related to syntax.

ASSEMBLY, No. 4149

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 2, 2022

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Permits pharmacists to furnish self-administered hormonal contraceptives pursuant to a standing order, in accordance with protocols established by Board of Pharmacy and Board of Medical Examiners.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning contraceptives and supplementing P.L.2003,
2 c.280 (C.45:14-40 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. a. Notwithstanding any other law to the contrary, a
8 pharmacist shall be authorized to furnish self-administered
9 hormonal contraceptives to a patient, in accordance with
10 standardized procedures and protocols to be jointly developed and
11 approved by the Board of Pharmacy and the State Board of Medical
12 Examiners, in consultation with the American Congress of
13 Obstetricians and Gynecologists, the New Jersey Pharmacists
14 Association, and other appropriate entities, and in accordance with
15 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
16 1 et seq.) and the provisions of this subsection.

17 b. At a minimum, the standardized procedures and protocols
18 adopted under this subsection shall:

19 (1) require a pharmacist, as a condition of furnishing self-
20 administered hormonal contraceptives to patients pursuant to this
21 section, to complete a training program jointly approved by the
22 Board of Pharmacy and the State Board of Medical Examiners;

23 (2) provide for the issuance of a standing order authorizing
24 pharmacists in this State to furnish self-administered hormonal
25 contraceptives to patients without an individual prescription;

26 (3) identify the self-administered hormonal contraceptives that a
27 pharmacist will be authorized to furnish to patients pursuant to the
28 standing order;

29 (4) require a pharmacist to make clinical decisions that are free
30 from any financial influence imposed by insurance providers,
31 contraceptive product manufacturers, and other parties having a
32 financial interest in the disbursement or non-disbursement of self-
33 administered hormonal contraceptives;

34 (5) require a patient, prior to obtaining a self-administered
35 hormonal contraceptive pursuant to this section, to use a self-
36 screening tool that will identify patient risk factors for the use of
37 self-administered hormonal contraceptives, based on the current
38 United States Medical Eligibility Criteria for Contraceptive Use
39 (US MEC) developed by the federal Centers for Disease Control
40 and Prevention;

41 (6) require a pharmacist to offer to provide counseling to a
42 patient about other forms of contraception that have been approved
43 by the federal Food and Drug Administration, and, if the patient
44 accepts the offer for counseling, require the pharmacist to provide
45 the patient with specific and appropriate information about such
46 other forms of contraception, based on the results of the self-

1 screening tool administered pursuant to paragraph (5) of this
2 subsection; and

3 (7) require a pharmacist, upon furnishing a self-administered
4 hormonal contraceptive to a patient, or upon determining that a self-
5 administered hormonal contraceptive is not recommended, to refer
6 the patient to the patient's primary care provider, or, if the patient
7 does not have a primary care provider, to an appropriate and nearby
8 medical clinic.

9 c. The Board of Pharmacy and the Board of Medical
10 Examiners are each authorized to ensure compliance with the
11 provisions of this section, and each board is specifically charged
12 with the enforcement of this section as applied to its respective
13 licensees.

14 d. As used in this section, "self-administered hormonal
15 contraceptive" means any oral, transdermal, or vaginal
16 contraceptive product, including, but not limited to, birth control
17 pills, vaginal rings, and diaphragms.

18 e. Nothing in this section shall be construed to expand the
19 authority of a pharmacist to prescribe any prescription medication.
20 The requirements of this section shall not apply to a pharmacist
21 dispensing a self-administered hormonal contraceptive pursuant to
22 an individual prescription issued by a health care practitioner
23 authorized to prescribe self-administered hormonal contraceptives
24 in the course of professional practice.

25
26 2. The Commissioner of Health shall establish a public
27 awareness campaign to inform the general public concerning the
28 ability to obtain self-administered hormonal contraceptives from a
29 pharmacy without an individual prescription pursuant to the
30 provisions of section 1 of P.L. , c. (C.) (pending before the
31 Legislature as this bill). There shall be appropriated to the
32 Department of Health such funding as shall be necessary to
33 implement the provisions of this section.

34
35 3. This act shall take effect on the first day of the fourth month
36 next following the date of enactment, except that the Board of
37 Pharmacy and the State Board of Medical Examiners may take any
38 administrative action in advance thereof as shall be necessary for
39 the implementation of this act.

40
41

42 STATEMENT

43

44 This bill permits pharmacists to furnish self-administered
45 hormonal contraceptives to patients without an individual prescription,
46 pursuant to procedures and protocols that are to be jointly adopted,
47 pursuant to the "Administrative Procedure Act," by the Board of

1 Pharmacy and the State Board of Medical Examiners (BME), in
2 consultation with the American Congress of Obstetricians and
3 Gynecologists, the New Jersey Pharmacists Association, and other
4 appropriate entities. Self-administered hormonal contraceptives are
5 defined to mean any oral, transdermal, or vaginal contraceptive
6 product, including, but not limited to, birth control pills, vaginal rings,
7 and diaphragms.

8 The procedures and protocols established by the Board of
9 Pharmacy and the BME are to: (1) require the pharmacist to complete
10 an approved training program as a condition of furnishing self-
11 administered hormonal contraceptives pursuant to the bill; (2) provide
12 for the issuance of a standing order authorizing pharmacists to furnish
13 self-administered hormonal contraceptives to patients without an
14 individual prescription; (3) identify the self-administered hormonal
15 contraceptives that a pharmacist will be authorized to furnish to
16 patients under the bill; (4) require a pharmacist to make clinical
17 decisions that are free from any financial influence imposed by
18 insurance providers, contraceptive product manufacturers, and other
19 parties having a financial interest in the disbursement or non-
20 disbursement of self-administered hormonal contraceptives; (5) require
21 a patient, prior to obtaining a self-administered hormonal
22 contraceptive, to use a self-screening tool that will identify patient risk
23 factors for the use of self-administered hormonal contraceptives, based
24 on the current United States Medical Eligibility Criteria for
25 Contraceptive Use developed by the federal Centers for Disease
26 Control and Prevention; (6) require a pharmacist to offer to provide
27 counseling to a patient about other forms of contraception that have
28 been approved by the federal Food and Drug Administration, and, if
29 the patient accepts the offer for counseling, require the pharmacist to
30 provide the patient with specific and appropriate information about
31 such other forms of contraception, based on the results of the self-
32 screening tool; and (7) require a pharmacist, upon furnishing a self-
33 administered hormonal contraceptive to a patient, or upon determining
34 that a self-administered hormonal contraceptive is not recommended,
35 to refer the patient to the patient's primary care provider, or, if the
36 patient does not have a primary care provider, to an appropriate and
37 nearby medical clinic.

38 The Board of Pharmacy and the BME will each be authorized to
39 ensure compliance with these provisions, and each board will be
40 specifically charged with the enforcement of these procedures and
41 protocols, as applied to that board's licensees.

42 The bill specifies that nothing in its provisions is to be deemed to
43 expand the authority of a pharmacist to prescribe any prescription
44 medication. The bill further specifies that its requirements do not
45 apply to pharmacists dispensing self-administered hormonal
46 contraceptives pursuant to a prescription issued by a licensed health
47 care practitioner.

A4149 REYNOLDS-JACKSON, TIMBERLAKE

5

1 The bill requires the Commissioner of Health to establish a public
2 awareness campaign to make the general public aware of the
3 availability to obtain self-administered hormonal contraceptives from a
4 pharmacy without the need for an individualized prescription. The bill
5 provides that the Department of Health is to be appropriated such
6 funding as is necessary to establish the campaign.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4149

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2022

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 4149.

As amended, 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 a pharmacist, as a condition of furnishing self-administered hormonal contraceptives to patients pursuant to the bill, to:

(i) complete a training program jointly approved by the Board of Pharmacy and the State Board of Medical Examiners; and

(ii) affirm, in writing, that he or she has completed appropriate training and will follow pertinent guidelines offered by the federal Centers for Disease Control and Prevention, including the United States Medical Eligibility Criteria for Contraceptive Use, which written affirmation is to be retained by the pharmacist as a medical record, in a manner and for such periods of time, as required by law;

(2) provide for the issuance of a standing order authorizing pharmacists in this State 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 be evaluated through the administration of a questionnaire by the dispensing pharmacist, which questionnaire is to be developed by the Department of Health, 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. The patient's responses to the written questionnaire are to be retained as a medical record, in a manner and for such periods of time, as required by law;

(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 questionnaire administered pursuant to the bill; 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 each 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 specifies that nothing in its provisions is to be deemed to expand the authority of a pharmacist to prescribe any prescription medication. As amended, the bill further specifies that its requirements do not apply to pharmacists dispensing self-administered hormonal contraceptives pursuant to a prescription issued by a licensed health care practitioner.

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 bill provides that the Department of Health is to be appropriated such funding as is necessary to establish the campaign.

As reported by the committee, Assembly Bill No. 4149 is identical to Senate Bill No. 275 (1R) which was reported by the committee with amendments on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) add language specifying that the requirements of the bill do not apply to a pharmacist dispensing a self-administered hormonal contraceptive pursuant to a prescription issued by a licensed health care practitioner;

(2) make various technical changes involving syntax and usage;

(3) require a pharmacist to affirm, in writing, that he or she has completed appropriate training and will follow pertinent guidelines offered by the federal Centers for Disease Control and Prevention, including the United States Medical Eligibility Criteria for Contraceptive Use, which written affirmation is to be retained by the pharmacist as a medical record, in a manner and for such periods of time, as required by law;

(4) require a patient to be evaluated through the administration of a questionnaire by the dispensing pharmacist, as opposed to a self-screening tool, which questionnaire is to be developed by the Department of Health; and

(5) require the patient's responses to the written questionnaire to be retained as a medical record, in a manner and for such periods of time, as required by law.

Governor Murphy Signs Legislation Expanding Access to Critical Reproductive Health Care by Removing Prescription Requirement for Self-Administered Hormonal Contraceptives

01/13/2023

TRENTON – On the one-year anniversary of Governor Phil Murphy signing the historic [Freedom of Reproductive Choice Act](#), the Governor signed additional legislation today to further the State's ongoing efforts to secure and expand access to reproductive health care. The bill (S-275) will allow New Jersey pharmacists to dispense self-administered hormonal contraceptives to patients without requiring a prescription.

Patients are typically unable to access self-administered hormonal contraceptives, including contraceptive pills, patches, and rings, in New Jersey without first obtaining a prescription from a licensed health care provider. To reduce barriers to access to this critical family planning tool, the bill requires the issuance of a standing order authorizing pharmacists to dispense self-administered hormonal contraceptives to patients without an individual prescription and identifying the contraceptives that pharmacists are authorized to dispense.

"While many other states are working to restrict access to reproductive health care – including contraceptives – our state continues to protect this fundamental right and expand access to this critical care on behalf of all who need it," said **Governor Murphy**. "The current requirement of an individualized prescription imposes an unnecessary burden on people who may be unable to afford or find the time to go to a health care provider for a prescription. Removing that requirement will promote health equity and ease of access to contraceptives in order to empower women to make their own reproductive choices.

This legislation comes at a time when [other states](#) are allowing health care providers, health care institutions, and pharmacists to refuse to provide contraceptives or family planning care.

As such, access to contraception without a prescription will not be limited solely to New Jersey residents. New Jersey pharmacists will be permitted to provide these contraceptive patients regardless of the patient's residency.

"Since the Dobbs decision, state legislatures around the country have put a stranglehold on freedom, passing laws limiting access to abortion, with eyes on restricting the right to contraception! This from the states that use terms like freedom in their state slogans and government seals," said **Congresswoman Watson Coleman**. "But in New Jersey, we both talk AND walk the walk. New Jersey has emerged as a beacon of light to people across the country fearing for their rights, for their health, for their future. This law will help that shine just a bit brighter."

In order to dispense self-administered hormonal contraceptives to patients without a prescription under the bill, pharmacists will have to follow standardized procedures and protocols adopted jointly by the Board of Pharmacy and the State Board of Medical Examiners and complete a training program.

"New Jersey is a leader in protecting reproductive health and rights," said **Health Commissioner Judith Persichilli**. "This law removes access barriers to hormonal contraceptives and puts in place the necessary safeguards and protocols that will protect patient health, safety and privacy for New Jersey's residents."

The bill is part of the Murphy Administration's ongoing efforts, in partnership with legislative and community partners, to protect the right to reproductive freedom and expand access to reproductive health care. Since the signing of the Freedom of Reproductive Choice Act, other actions have included:

- Making [grants](#) and zero-interest, forgivable loans available to reproductive health care providers to support facility and security upgrades;
- Enacting [protections](#) for reproductive health care providers and out-of-state residents seeking reproductive services in New Jersey;
- Creating a '[Reproductive Rights Strike Force](#)' to initiate civil and criminal enforcement actions and develop strategic initiatives to protect access to reproductive health care on behalf of residents from New Jersey and other states, including through guidance to State licensing boards, to health care providers and other licensees, and to consumers to protect patient and provider rights;
- Initiating [rulemaking](#) to require coverage for abortion services without exceptions starting on January 1, 2023 under the health benefits plans regulated by the Department of Banking and Insurance;
- Making [funding](#) available to Rutgers University to create and implement the "New Jersey Reproductive Training and Education Initiative;" and
- Expanding funding for the state family planning program, which includes clinics in every county.

The sponsors of bill S-275 include Senator Shirley Turner and Assemblywoman Verlina Reynolds-Jackson, as well as Senator Joseph Vitale, Assemblywoman Britnee N. Timberlake, Assemblywoman Angela McKnight, and Assemblyman Raj Mukherji.

"The enactment of this groundbreaking legislation reaffirms New Jersey's unwavering commitment to women's reproductive health and autonomy," said **Senator Turner**. "Since women are often juggling the demands of jobs and family responsibilities, going through the hassle, time, and expense of seeing a doctor for a birth control prescription rarely fits into their schedules. Removal of barriers to contraceptives is a great advantage to women, especially since there are pharmacies on nearly every corner, with some open 24 hours per day. Now join 20 states, the District of Columbia, and more than 100 countries around the world in freeing the pill, so that women can obtain birth control without a prescription."

"It's well-documented, the more accessible contraceptives are for men and women, the more effective they are at preventing unintended pregnancies," said **Senator Vitale, Chair of Senate Health, Human Services and Senior Citizens Committee**. "This is smart, practical legislation that puts us on par with numerous states across the nation and I'm proud that New Jersey we are working to make smart health decisions easier, not harder."

"We are proud that New Jersey continues to be a place where reproductive freedoms are recognized and respected, and we are pleased that this new law will ensure more women access the contraceptives of their choosing," said **Assembly members Reynolds-Jackson, Timberlake, McKnight, and Mukherji in a joint statement**. "By enabling pharmacists to provide hormonal contraceptives without an individual prescription, we are overcoming existing health care disparities and expanding access to contraceptives for patients throughout the state."

"We stand firmly in support of people making their own personal decisions about reproductive health care, including birth control and abortion," said **Jackie Cornell, Executive Director of Planned Parenthood Action Fund of New Jersey**. "One year after the historic signing of the Freedom of Reproductive Choice Act, New Jersey continues to move forward by removing barriers and increasing access to contraception."