

MAINE STATE LEGISLATURE

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Date 5/10/23

(Filing No S-82)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “A” to S P 158, L D 351, “An Act to Increase Access to Birth Control by Making Certain Contraception Available over the Counter”

Amend the bill by striking out the title and substituting the following

'An Act to Increase Access to Birth Control by Making Certain Contraception Accessible from a Pharmacist'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1 32 MRSA c. 117, sub-c. 12-A is enacted to read

SUBCHAPTER 12-A

PRESCRIBING, DISPENSING AND ADMINISTERING CONTRACEPTIVES

§13826. Authorization to prescribe, dispense and administer contraceptives

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings

A "Injectable hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that is administered by injection.

B "Self-administered hormonal contraceptive" means a drug composed of a single hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may self-administer "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive, a hormonal vaginal ring and a hormonal contraceptive patch.

COMMITTEE AMENDMENT

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2. Authorization. A pharmacist may prescribe, dispense or administer a self-administered hormonal contraceptive or injectable hormonal contraceptive in accordance with the requirements set forth in subsection 3

3. Requirements In order to prescribe, dispense or administer contraceptives under this section, a pharmacist shall

A Successfully complete a training program approved by the board related to prescribing, dispensing and administering contraceptives that reflects evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.

B Obtain a certificate of authorization issued by the board pursuant to subsection 4,

C Obtain a completed self-screening risk assessment from a patient prior to counseling the patient and issuing a prescription to the patient for a self-administered hormonal contraceptive or injectable hormonal contraceptive. The self-screening risk assessment and counseling provided by a pharmacist must be based on evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.

D Refer the patient to the patient's practitioner upon dispensing a self-administered hormonal contraceptive or administering an injectable hormonal contraceptive or, if the patient does not have a practitioner responsible for the patient's regular care, advise the patient to consult a practitioner.

E Provide the patient with a written record of the prescribed self-administered hormonal contraceptive or injectable hormonal contraceptive, and

F Dispense the self-administered hormonal contraceptive or administer the injectable hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription.

4 Certificate of authorization. A pharmacist shall apply in the form prescribed by the board and submit a certificate fee as set forth in section 13724 for a certificate of authorization to prescribe, dispense and administer contraceptives pursuant to this section. The certificate of authorization expires and is subject to conditions in the same manner as in section 13734. The board shall issue a certificate of authorization to a pharmacist who holds a valid unrestricted license in this State and who submits evidence acceptable to the board that the pharmacist has completed the training described in subsection 3, paragraph A.

5. Rulemaking. The board shall adopt rules to implement the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

SUMMARY

This amendment replaces the bill. The amendment authorizes pharmacists to prescribe, dispense and administer contraceptives in accordance with the following

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S P 158, L D 351 (S-82)

- 1 1 The amendment permits a pharmacist to issue prescriptions for self-administered
- 2 hormonal contraceptives, including oral hormonal contraceptive pills, vaginal rings and
- 3 hormonal contraceptive patches, and injectable hormonal contraceptives
- 4 2 The amendment requires a pharmacist to complete a training program approved by
- 5 the Maine Board of Pharmacy that reflects evidence-based medical eligibility guidelines
- 6 for contraceptive use
- 7 3 The amendment requires a pharmacist to obtain a completed self-screening risk
- 8 assessment from a patient prior to issuing a prescription
- 9 4 The amendment requires a pharmacist to refer a patient to the patient's practitioner
- 10 upon prescribing and, if the patient does not have a practitioner, to advise the patient to
- 11 consult a practitioner "Practitioner" is defined in the Maine Pharmacy Act as an individual
- 12 who is licensed, registered or otherwise authorized to prescribe and administer drugs in the
- 13 course of professional practice
- 14 5 The amendment requires a pharmacist to provide a patient with a written record of a
- 15 prescribed contraceptive
- 16 6 The amendment requires the Maine Board of Pharmacy to adopt implementing rules
- 17 This amendment removes the language included in the bill that prohibited a pharmacist
- 18 from requiring a patient to schedule an appointment

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved 04/27/23 *MAC*

131st MAINE LEGISLATURE

LD 351

LR 622(02)

An Act to Increase Access to Birth Control by Making Certain Contraception Available over the Counter

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-82)
Committee: Health Coverage, Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Maine Board of Pharmacy within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation to implement the requirements of this legislation can be absorbed within existing budgeted resources