

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 351

S.P. 158

In Senate, January 31, 2023

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

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative BOYER of Poland and
Senators: HICKMAN of Kennebec, KEIM of Oxford, Representatives: ANDREWS of Paris,
FREDERICKS of Sanford, RUDNICKI of Fairfield, SHAW of Auburn.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **SUBCHAPTER 12-A**

4 **DISPENSING OF CONTRACEPTIVES**

5 **§13826. Authorization to dispense contraceptives**

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

8 A. "Hormonal contraceptive patch" means a transdermal patch applied to the skin of a
9 patient, by the patient or by a practitioner, that releases a drug composed of a
10 combination of hormones that is approved by the United States Food and Drug
11 Administration to prevent pregnancy.

12 B. "Self-administered oral hormonal contraceptive" means a drug composed of a
13 combination of hormones that is approved by the United States Food and Drug
14 Administration to prevent pregnancy and that the patient to whom the drug is
15 prescribed takes orally.

16 **2. Authorization.** In accordance with the requirements set forth in subsection 3, a
17 pharmacist may prescribe and dispense hormonal contraceptive patches or
18 self-administered oral hormonal contraceptives to a person who has evidence of a previous
19 prescription from a practitioner for a hormonal contraceptive patch or self-administered
20 oral hormonal contraceptive.

21 **3. Requirements for prescribing and dispensing contraceptives.** In order to
22 prescribe and dispense contraceptives under this section, a pharmacist must:

23 A. Complete a training program approved by the board that is related to prescribing
24 hormonal contraceptive patches and self-administered oral hormonal contraceptives;

25 B. Refer the patient to the patient's practitioner upon prescribing and dispensing the
26 hormonal contraceptive patch or self-administered oral hormonal contraceptive;

27 C. Provide the patient with a written record of the hormonal contraceptive patch or
28 self-administered oral hormonal contraceptive prescribed and dispensed and advise the
29 patient to consult with a practitioner; and

30 D. Dispense the hormonal contraceptive patch or self-administered oral hormonal
31 contraceptive to the patient as soon as practicable after the pharmacist issues the
32 prescription.

33 **4. Prohibition.** A pharmacist may not require a patient to schedule an appointment
34 with the pharmacist for the prescribing or dispensing of a hormonal contraceptive patch or
35 self-administered oral hormonal contraceptive.

36 **5. Rulemaking.** The board shall adopt rules to establish standard procedures for the
37 prescribing of hormonal contraceptive patches and self-administered oral hormonal
38 contraceptives by pharmacists. Rules adopted pursuant to this subsection are routine
39 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

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This bill authorizes pharmacists to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to a person who has evidence of a previous prescription from a practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive.