

**SENATE, No. 1073**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Permits pharmacists to prescribe self-administered hormonal contraceptives under certain circumstances; clarifies certain health insurance coverage requirements for contraceptive prescriptions.

**CURRENT VERSION OF TEXT**

As introduced.



S1073 TURNER

2

1 AN ACT concerning prescriptions for contraceptives, supplementing  
2 P.L.2003, c.280 (C.45:14-40 et seq.) and amending various parts  
3 of the statutory law.

4

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

7

8 1. (New section) a. Notwithstanding any other law to the  
9 contrary, a pharmacist may issue a prescription for and dispense  
10 self-administered hormonal contraceptives in accordance with rules  
11 and regulations that shall be developed and adopted by the New  
12 Jersey State Board of Pharmacy in consultation with the State Board  
13 of Medical Examiners, and with consideration given to the  
14 guidelines established by the American Congress of Obstetricians  
15 and Gynecologists.

16 b. The New Jersey State Board of Pharmacy shall adopt rules  
17 and regulations pursuant to the "Administrative Procedure Act,"  
18 P.L.1968, c.410 (C.52:14B-1 et seq.) to establish standard  
19 procedures for the prescribing and dispensing of self-administered  
20 hormonal contraceptives by pharmacists. The procedures shall  
21 include:

22 (1) a description of the types of contraceptives that shall be  
23 defined to be self-administered hormonal contraceptives;

24 (2) a requirement that prior to prescribing or dispensing a self-  
25 administered hormonal contraceptive, the pharmacist shall complete  
26 a training program approved by the New Jersey State Board of  
27 Pharmacy that is related to prescribing self-administered hormonal  
28 contraceptives;

29 (3) a requirement that in order to receive a self-administered  
30 hormonal contraceptive, the patient shall use a self-screening tool  
31 that identifies patient risk factors for the use of self-administered  
32 hormonal contraceptives, based on the current United States  
33 Medical Eligibility Criteria (US MEC) for Contraceptive Use  
34 developed by the federal Centers for Disease Control and  
35 Prevention; and

36 (4) a requirement that upon prescribing and dispensing a self-  
37 administered hormonal contraceptive, the pharmacist shall refer the  
38 patient to the patient's primary care provider or to an appropriate  
39 medical clinic.

40

41 2. Section 1 of P.L.2005, c.251 (C.17:48-6ee) is amended to  
42 read as follows:

43 1. A hospital service corporation that provides hospital or  
44 medical expense benefits for expenses incurred in the purchase of  
45 outpatient prescription drugs under a contract shall provide

**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.**

1 coverage under every such contract delivered, issued, executed or  
2 renewed in this State or approved for issuance or renewal in this  
3 State by the Commissioner of Banking and Insurance, on or after  
4 the effective date of **[this act]** P.L.2005, c.251 (C.17:48-6ee et al.),  
5 for expenses incurred in the purchase of prescription female  
6 contraceptives. For the purposes of this section, "prescription  
7 female contraceptives" means any drug or device used for  
8 contraception by a female, which is approved by the federal Food  
9 and Drug Administration for that purpose, that can only be  
10 purchased in this State with a prescription written by a health care  
11 professional licensed or authorized to write prescriptions, and  
12 includes, but is not limited to, birth control pills and diaphragms,  
13 except that for the purposes of this section, "health care  
14 professional licensed or authorized to write prescriptions" shall also  
15 include a pharmacist licensed pursuant to the "New Jersey  
16 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
17 situations in which the pharmacist is acting pursuant to the authority  
18 to prescribe and dispense self-administered hormonal contraceptives  
19 provided by the provisions of section 1 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill).

21 A religious employer may request, and a hospital service  
22 corporation shall grant, exclusion under the contract for the  
23 coverage required by this section if the required coverage conflicts  
24 with the religious employer's bona fide religious beliefs and  
25 practices. A religious employer that obtains such an exclusion shall  
26 provide written notice thereof to prospective subscribers and  
27 subscribers. The provisions of this section shall not be construed as  
28 authorizing a hospital service corporation to exclude coverage for  
29 prescription drugs that are prescribed for reasons other than  
30 contraceptive purposes or for prescription female contraceptives  
31 that are necessary to preserve the life or health of a subscriber. For  
32 the purposes of this section, "religious employer" means an  
33 employer that is a church, convention or association of churches or  
34 an elementary or secondary school that is controlled, operated or  
35 principally supported by a church or by a convention or association  
36 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that  
37 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

38 The benefits shall be provided to the same extent as for any other  
39 outpatient prescription drug under the contract.

40 This section shall apply to those contracts in which the hospital  
41 service corporation has reserved the right to change the premium.

42 (cf: P.L.2005, c.251, s.1)

43

44 3. Section 2 of P.L.2005, c.251 (C.17:48A-7bb) is amended to  
45 read as follows:

46 2. A medical service corporation that provides hospital or  
47 medical expense benefits for expenses incurred in the purchase of  
48 outpatient prescription drugs under a contract shall provide

1 coverage under every such contract delivered, issued, executed or  
2 renewed in this State or approved for issuance or renewal in this  
3 State by the Commissioner of Banking and Insurance, on or after  
4 the effective date of **[this act]** P.L.2005, c.251 (C.17:48-6ee et al.),  
5 for expenses incurred in the purchase of prescription female  
6 contraceptives. For the purposes of this section, "prescription  
7 female contraceptives" means any drug or device used for  
8 contraception by a female, which is approved by the federal Food  
9 and Drug Administration for that purpose, that can only be  
10 purchased in this State with a prescription written by a health care  
11 professional licensed or authorized to write prescriptions, and  
12 includes, but is not limited to, birth control pills and diaphragms,  
13 except that for the purposes of this section, "health care  
14 professional licensed or authorized to write prescriptions" shall also  
15 include a pharmacist licensed pursuant to the "New Jersey  
16 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
17 situations in which the pharmacist is acting pursuant to the authority  
18 to prescribe and dispense self-administered hormonal contraceptives  
19 provided by the provisions of section 1 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill).

21 A religious employer may request, and a medical service  
22 corporation shall grant, an exclusion under the contract for the  
23 coverage required by this section if the required coverage conflicts  
24 with the religious employer's bona fide religious beliefs and  
25 practices. A religious employer that obtains such an exclusion shall  
26 provide written notice thereof to prospective subscribers and  
27 subscribers. The provisions of this section shall not be construed as  
28 authorizing a medical service corporation to exclude coverage for  
29 prescription drugs that are prescribed for reasons other than  
30 contraceptive purposes or for prescription female contraceptives  
31 that are necessary to preserve the life or health of a subscriber. For  
32 the purposes of this section, "religious employer" means an  
33 employer that is a church, convention or association of churches or  
34 an elementary or secondary school that is controlled, operated or  
35 principally supported by a church or by a convention or association  
36 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that  
37 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

38 The benefits shall be provided to the same extent as for any other  
39 outpatient prescription drug under the contract.

40 This section shall apply to those contracts in which the medical  
41 service corporation has reserved the right to change the premium.

42 (cf: P.L.2005, c.251, s.2)

43

44 4. Section 3 of P.L.2005, c.251 (C.17:48E-35.29) is amended  
45 to read as follows:

46 3. A health service corporation that provides hospital or  
47 medical expense benefits for expenses incurred in the purchase of  
48 outpatient prescription drugs under a contract shall provide

1 coverage under every such contract delivered, issued, executed or  
2 renewed in this State or approved for issuance or renewal in this  
3 State by the Commissioner of Banking and Insurance, on or after  
4 the effective date of **[this act]** P.L.2005, c.251 (C.17:48-6ee et al.),  
5 for expenses incurred in the purchase of prescription female  
6 contraceptives. For the purposes of this section, "prescription  
7 female contraceptives" means any drug or device used for  
8 contraception by a female, which is approved by the federal Food  
9 and Drug Administration for that purpose, that can only be  
10 purchased in this State with a prescription written by a health care  
11 professional licensed or authorized to write prescriptions, and  
12 includes, but is not limited to, birth control pills and diaphragms,  
13 except that for the purposes of this section, "health care  
14 professional licensed or authorized to write prescriptions" shall also  
15 include a pharmacist licensed pursuant to the "New Jersey  
16 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
17 situations in which the pharmacist is acting pursuant to the authority  
18 to prescribe and dispense self-administered hormonal contraceptives  
19 provided by the provisions of section 1 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill).

21 A religious employer may request, and a health service  
22 corporation shall grant, an exclusion under the contract for the  
23 coverage required by this section if the required coverage conflicts  
24 with the religious employer's bona fide religious beliefs and  
25 practices. A religious employer that obtains such an exclusion shall  
26 provide written notice thereof to prospective subscribers and  
27 subscribers. The provisions of this section shall not be construed as  
28 authorizing a health service corporation to exclude coverage for  
29 prescription drugs that are prescribed for reasons other than  
30 contraceptive purposes or for prescription female contraceptives  
31 that are necessary to preserve the life or health of a subscriber. For  
32 the purposes of this section, "religious employer" means an  
33 employer that is a church, convention or association of churches or  
34 an elementary or secondary school that is controlled, operated or  
35 principally supported by a church or by a convention or association  
36 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that  
37 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

38 The benefits shall be provided to the same extent as for any other  
39 outpatient prescription drug under the contract.

40 This section shall apply to those contracts in which the health  
41 service corporation has reserved the right to change the premium.

42 (cf: P.L.2005, c.251, s.3)

43

44 5. Section 4 of P.L.2005, c.251 (C.17B:27-46.1ee) is amended  
45 to read as follows:

46 4. A group health insurer that provides hospital or medical  
47 expense benefits for expenses incurred in the purchase of outpatient  
48 prescription drugs under a policy shall provide coverage under

1 every such policy delivered, issued, executed or renewed in this  
2 State or approved for issuance or renewal in this State by the  
3 Commissioner of Banking and Insurance, on or after the effective  
4 date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.), for expenses  
5 incurred in the purchase of prescription female contraceptives. For  
6 the purposes of this section, "prescription female contraceptives"  
7 means any drug or device used for contraception by a female, which  
8 is approved by the federal Food and Drug Administration for that  
9 purpose, that can only be purchased in this State with a prescription  
10 written by a health care professional licensed or authorized to write  
11 prescriptions, and includes, but is not limited to, birth control pills  
12 and diaphragms, except that for the purposes of this section, "health  
13 care professional licensed or authorized to write prescriptions" shall  
14 also include a pharmacist licensed pursuant to the "New Jersey  
15 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
16 situations in which the pharmacist is acting pursuant to the authority  
17 to prescribe and dispense self-administered hormonal contraceptives  
18 provided by the provisions of section 1 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill).

20 A religious employer may request, and an insurer shall grant, an  
21 exclusion under the policy for the coverage required by this section  
22 if the required coverage conflicts with the religious employer's bona  
23 fide religious beliefs and practices. A religious employer that  
24 obtains such an exclusion shall provide written notice thereof to  
25 prospective insureds and insureds. The provisions of this section  
26 shall not be construed as authorizing an insurer to exclude coverage  
27 for prescription drugs that are prescribed for reasons other than  
28 contraceptive purposes or for prescription female contraceptives  
29 that are necessary to preserve the life or health of an insured. For  
30 the purposes of this section, "religious employer" means an  
31 employer that is a church, convention or association of churches or  
32 an elementary or secondary school that is controlled, operated or  
33 principally supported by a church or by a convention or association  
34 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that  
35 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

36 The benefits shall be provided to the same extent as for any other  
37 outpatient prescription drug under the policy.

38 This section shall apply to those policies in which the insurer has  
39 reserved the right to change the premium.

40 (cf: P.L.2005, c.251, s.4)

41

42 6. Section 5 of P.L.2005, c.251 (C.17B:26-2.1y) is amended to  
43 read as follows:

44 5. An individual health insurer that provides hospital or  
45 medical expense benefits for expenses incurred in the purchase of  
46 outpatient prescription drugs under a policy shall provide coverage  
47 under every such policy delivered, issued, executed or renewed in  
48 this State or approved for issuance or renewal in this State by the

1 Commissioner of Banking and Insurance, on or after the effective  
2 date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.), for expenses  
3 incurred in the purchase of prescription female contraceptives. For  
4 the purposes of this section, "prescription female contraceptives"  
5 means any drug or device used for contraception by a female, which  
6 is approved by the federal Food and Drug Administration for that  
7 purpose, that can only be purchased in this State with a prescription  
8 written by a health care professional licensed or authorized to write  
9 prescriptions, and includes, but is not limited to, birth control pills  
10 and diaphragms, except that for the purposes of this section, "health  
11 care professional licensed or authorized to write prescriptions" shall  
12 also include a pharmacist licensed pursuant to the "New Jersey  
13 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
14 situations in which the pharmacist is acting pursuant to the authority  
15 to prescribe and dispense self-administered hormonal contraceptives  
16 provided by the provisions of section 1 of P.L. , c. (C. )  
17 (pending before the Legislature as this bill).

18 A religious employer may request, and an insurer shall grant, an  
19 exclusion under the policy for the coverage required by this section  
20 if the required coverage conflicts with the religious employer's bona  
21 fide religious beliefs and practices. A religious employer that  
22 obtains such an exclusion shall provide written notice thereof to  
23 prospective insureds and insureds. The provisions of this section  
24 shall not be construed as authorizing an insurer to exclude coverage  
25 for prescription drugs that are prescribed for reasons other than  
26 contraceptive purposes or for prescription female contraceptives  
27 that are necessary to preserve the life or health of an insured. For  
28 the purposes of this section, "religious employer" means an  
29 employer that is a church, convention or association of churches or  
30 an elementary or secondary school that is controlled, operated or  
31 principally supported by a church or by a convention or association  
32 of churches as defined in 26 U.S.C. s.3121(w)(3)(A), and that  
33 qualifies as a tax-exempt organization under 26 U.S.C. s.501(c)(3).

34 The benefits shall be provided to the same extent as for any other  
35 outpatient prescription drug under the policy.

36 This section shall apply to those policies in which the insurer has  
37 reserved the right to change the premium.

38 (cf: P.L.2005, c.251, s.5)

39

40 7. Section 6 of P.L.2005, c.251 (C.26:2J-4.30) is amended to  
41 read as follows:

42 6. A certificate of authority to establish and operate a health  
43 maintenance organization in this State shall not be issued or  
44 continued on or after the effective date of **【this act】** P.L.2005, c.251  
45 (C.17:48-6ee et al.), for a health maintenance organization that  
46 provides health care services for outpatient prescription drugs under  
47 a contract, unless the health maintenance organization also provides  
48 health care services for prescription female contraceptives. For the

1 purposes of this section, "prescription female contraceptives" means  
2 any drug or device used for contraception by a female, which is  
3 approved by the federal Food and Drug Administration for that  
4 purpose, that can only be purchased in this State with a prescription  
5 written by a health care professional licensed or authorized to write  
6 prescriptions, and includes, but is not limited to, birth control pills  
7 and diaphragms, except that for the purposes of this section, "health  
8 care professional licensed or authorized to write prescriptions" shall  
9 also include a pharmacist licensed pursuant to the "New Jersey  
10 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
11 situations in which the pharmacist is acting pursuant to the authority  
12 to prescribe and dispense self-administered hormonal contraceptives  
13 provided by the provisions of section 1 of P.L. , c. (C. )  
14 (pending before the Legislature as this bill).

15 A religious employer may request, and a health maintenance  
16 organization shall grant, an exclusion under the contract for the  
17 health care services required by this section if the required health  
18 care services conflict with the religious employer's bona fide  
19 religious beliefs and practices. A religious employer that obtains  
20 such an exclusion shall provide written notice thereof to prospective  
21 enrollees and enrollees. The provisions of this section shall not be  
22 construed as authorizing a health maintenance organization to  
23 exclude health care services for prescription drugs that are  
24 prescribed for reasons other than contraceptive purposes or for  
25 prescription female contraceptives that are necessary to preserve the  
26 life or health of an enrollee. For the purposes of this section,  
27 "religious employer" means an employer that is a church,  
28 convention or association of churches or an elementary or  
29 secondary school that is controlled, operated or principally  
30 supported by a church or by a convention or association of churches  
31 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-  
32 exempt organization under 26 U.S.C. s.501(c)(3).

33 The health care services shall be provided to the same extent as  
34 for any other outpatient prescription drug under the contract.

35 The provisions of this section shall apply to those contracts for  
36 health care services by health maintenance organizations under  
37 which the right to change the schedule of charges for enrollee  
38 coverage is reserved.

39 (cf: P.L.2005, c.251, s.6)

40

41 8. Section 7 of P.L.2005, c.251 (C.17B:27A-7.12) is amended  
42 to read as follows:

43 7. An individual health benefits plan required pursuant to  
44 section 3 of P.L.1992, c.161 (C.17B:27A-4) that provides benefits  
45 for expenses incurred in the purchase of outpatient prescription  
46 drugs shall provide coverage for expenses incurred in the purchase  
47 of prescription female contraceptives. For the purposes of this  
48 section, "prescription female contraceptives" means any drug or

1 device used for contraception by a female, which is approved by the  
2 federal Food and Drug Administration for that purpose, that can  
3 only be purchased in this State with a prescription written by a  
4 health care professional licensed or authorized to write  
5 prescriptions, and includes, but is not limited to, birth control pills  
6 and diaphragms, except that for the purposes of this section, "health  
7 care professional licensed or authorized to write prescriptions" shall  
8 also include a pharmacist licensed pursuant to the "New Jersey  
9 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
10 situations in which the pharmacist is acting pursuant to the authority  
11 to prescribe and dispense self-administered hormonal contraceptives  
12 provided by the provisions of section 1 of P.L. , c. (C. )  
13 (pending before the Legislature as this bill).

14 A religious employer may request, and a carrier shall grant, an  
15 exclusion under the health benefits plan for the coverage required  
16 by this section if the required coverage conflicts with the religious  
17 employer's bona fide religious beliefs and practices. A religious  
18 employer that obtains such an exclusion shall provide written notice  
19 thereof to prospective covered persons and covered persons. The  
20 provisions of this section shall not be construed as authorizing a  
21 carrier to exclude coverage for prescription drugs that are  
22 prescribed for reasons other than contraceptive purposes or for  
23 prescription female contraceptives that are necessary to preserve the  
24 life or health of a covered person. For the purposes of this section,  
25 "religious employer" means an employer that is a church,  
26 convention or association of churches or an elementary or  
27 secondary school that is controlled, operated or principally  
28 supported by a church or by a convention or association of churches  
29 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-  
30 exempt organization under 26 U.S.C. s.501(c)(3).

31 The benefits shall be provided to the same extent as for any other  
32 outpatient prescription drug under the health benefits plan.

33 This section shall apply to all individual health benefits plans in  
34 which the carrier has reserved the right to change the premium.

35 (cf: P.L.2005, c.251, s.7)

36

37 9. Section 8 of P.L.2005, c.251 (C.17B:27A-19.15) is amended  
38 to read as follows:

39 8. A small employer health benefits plan required pursuant to  
40 section 3 of P.L.1992, c.162 (C.17B:27A-19) that provides benefits  
41 for expenses incurred in the purchase of outpatient prescription  
42 drugs shall provide coverage for expenses incurred in the purchase  
43 of prescription female contraceptives. For the purposes of this  
44 section, "prescription female contraceptives" means any drug or  
45 device used for contraception by a female, which is approved by the  
46 federal Food and Drug Administration for that purpose, that can  
47 only be purchased in this State with a prescription written by a  
48 health care professional licensed or authorized to write

1 prescriptions, and includes, but is not limited to, birth control pills  
2 and diaphragms, except that for the purposes of this section, "health  
3 care professional licensed or authorized to write prescriptions" shall  
4 also include a pharmacist licensed pursuant to the "New Jersey  
5 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
6 situations in which the pharmacist is acting pursuant to the authority  
7 to prescribe and dispense self-administered hormonal contraceptives  
8 provided by the provisions of section 1 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill).

10 A religious employer may request, and a carrier shall grant, an  
11 exclusion under the health benefits plan for the coverage required  
12 by this section if the required coverage conflicts with the religious  
13 employer's bona fide religious beliefs and practices. A religious  
14 employer that obtains such an exclusion shall provide written notice  
15 thereof to prospective covered persons and covered persons. The  
16 provisions of this section shall not be construed as authorizing a  
17 carrier to exclude coverage for prescription drugs that are  
18 prescribed for reasons other than contraceptive purposes or for  
19 prescription female contraceptives that are necessary to preserve the  
20 life or health of a covered person. For the purposes of this section,  
21 "religious employer" means an employer that is a church,  
22 convention or association of churches or an elementary or  
23 secondary school that is controlled, operated or principally  
24 supported by a church or by a convention or association of churches  
25 as defined in 26 U.S.C. s.3121(w)(3)(A), and that qualifies as a tax-  
26 exempt organization under 26 U.S.C. s.501(c)(3).

27 The benefits shall be provided to the same extent as for any other  
28 outpatient prescription drug under the health benefits plan.

29 This section shall apply to all small employer health benefits  
30 plans in which the carrier has reserved the right to change the  
31 premium.

32 (cf: P.L.2005, c.251, s.8)

33

34 10. Section 9 of P.L.2005, c.251 (C.17:48F-13.2) is amended to  
35 read as follows:

36 9. A prepaid prescription service organization that provides  
37 benefits for expenses incurred in the purchase of outpatient  
38 prescription drugs under a contract shall provide coverage under  
39 every such contract delivered, issued, executed or renewed in this  
40 State or approved for issuance or renewal in this State by the  
41 Commissioner of Banking and Insurance, on or after the effective  
42 date of **【this act】** P.L.2005, c.251 (C.17:48-6ee et al.), for expenses  
43 incurred in the purchase of prescription female contraceptives. For  
44 the purposes of this section, "prescription female contraceptives"  
45 means any drug or device used for contraception by a female, which  
46 is approved by the federal Food and Drug Administration for that  
47 purpose, that can only be purchased in this State with a prescription  
48 written by a health care professional licensed or authorized to write

1 prescriptions, and includes, but is not limited to, birth control pills  
2 and diaphragms, except that for the purposes of this section, "health  
3 care professional licensed or authorized to write prescriptions" shall  
4 also include a pharmacist licensed pursuant to the "New Jersey  
5 Pharmacy Practice Act," P.L.2003, c.280 (C.45:14-40 et seq.) in  
6 situations in which the pharmacist is acting pursuant to the authority  
7 to prescribe and dispense self-administered hormonal contraceptives  
8 provided by the provisions of section 1 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill).

10 A religious employer may request, and a prepaid prescription  
11 service organization shall grant, an exclusion under the contract for  
12 the coverage required by this section if the required coverage  
13 conflicts with the religious employer's bona fide religious beliefs  
14 and practices. A religious employer that obtains such an exclusion  
15 shall provide written notice thereof to prospective enrollees and  
16 enrollees. The provisions of this section shall not be construed as  
17 authorizing a prepaid prescription service organization to exclude  
18 coverage for prescription drugs that are prescribed for reasons other  
19 than contraceptive purposes or for prescription female  
20 contraceptives that are necessary to preserve the life or health of an  
21 enrollee. For the purposes of this section, "religious employer"  
22 means an employer that is a church, convention or association of  
23 churches or an elementary or secondary school that is controlled,  
24 operated or principally supported by a church or by a convention or  
25 association of churches as defined in 26 U.S.C. s.3121(w)(3)(A),  
26 and that qualifies as a tax-exempt organization under 26  
27 U.S.C.s.501(c)(3).

28 The benefits shall be provided to the same extent as for any other  
29 outpatient prescription drug under the contract.

30 This section shall apply to those prepaid prescription contracts in  
31 which the prepaid prescription service organization has reserved the  
32 right to change the premium.

33 (cf: P.L.2005, c.251, s.9)

34

35 11. Section 10 of P.L.2005, c.251 (C.52:14-17.29j) is amended  
36 to read as follows:

37 10. The State Health Benefits Commission shall ensure that  
38 every contract purchased by the commission on or after the  
39 effective date of **[this act]** P.L.2005, c.251 (C.17:48-6ee et al.) that  
40 provides benefits for expenses incurred in the purchase of  
41 outpatient prescription drugs shall provide benefits for expenses  
42 incurred in the purchase of prescription female contraceptives.

43 For the purposes of this section, "prescription female  
44 contraceptives" means any drug or device used for contraception by  
45 a female, which is approved by the federal Food and Drug  
46 Administration for that purpose, that can only be purchased in this  
47 State with a prescription written by a health care professional  
48 licensed or authorized to write prescriptions, and includes, but is

1 not limited to, birth control pills and diaphragms, except that for the  
2 purposes of this section, “health care professional licensed or  
3 authorized to write prescriptions” shall also include a pharmacist  
4 licensed pursuant to the “New Jersey Pharmacy Practice Act,”  
5 P.L.2003, c.280 (C.45:14-40 et seq.) in situations in which the  
6 pharmacist is acting pursuant to the authority to prescribe and  
7 dispense self-administered hormonal contraceptives provided by the  
8 provisions of section 1 of P.L. , c. (C. ) (pending before the  
9 Legislature as this bill).  
10 (cf: P.L.2005, c.251, s.10)

11  
12 12. This act shall take effect on the 90<sup>th</sup> day after enactment.

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14  
15 STATEMENT

16  
17 This bill supplements the “New Jersey Pharmacy Practice Act,”  
18 P.L.2003, c.280 (C.45:14-40 et seq.) to allow pharmacists to issue  
19 prescriptions for and dispense self-administered hormonal  
20 contraceptives in accordance with rules and regulations that the  
21 New Jersey State Board of Pharmacy will adopt in consultation with  
22 the State Board of Medical Examiners, and with consideration given  
23 to the guidelines established by the American Congress of  
24 Obstetricians and Gynecologists.

25 The bill requires the New Jersey State Board of Pharmacy to  
26 adopt rules and regulations pursuant to the “Administrative  
27 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to establish  
28 standard procedures for the prescribing and dispensing of self-  
29 administered hormonal contraceptives by pharmacists. The  
30 procedures must include:

31 (1) a description of the types of contraceptives that will be  
32 defined as self-administered hormonal contraceptives;

33 (2) a requirement that prior to prescribing or dispensing a self-  
34 administered hormonal contraceptive, the pharmacist must complete  
35 a training program approved by the New Jersey State Board of  
36 Pharmacy that is related to prescribing self-administered hormonal  
37 contraceptives;

38 (3) a requirement that in order to receive a self-administered  
39 hormonal contraceptive, the patient must use a self-screening tool  
40 that identifies patient risk factors for the use of self-administered  
41 hormonal contraceptives, based on the current United States  
42 Medical Eligibility Criteria (US MEC) for Contraceptive Use  
43 developed by the federal Centers for Disease Control and  
44 Prevention; and

45 (4) a requirement that upon prescribing and dispensing a self-  
46 administered hormonal contraceptive, the pharmacist must refer the  
47 patient to the patient’s primary care provider or to an appropriate  
48 medical clinic.

**S1073 TURNER**

13

1       The bill also amends various statutes to clarify that, in addition  
2 to providing coverage for prescriptions issued by other health care  
3 professionals, health insurance carriers that provide benefits for  
4 prescription female contraceptives must provide coverage for  
5 prescriptions for self-administered hormonal contraceptives in  
6 situations in which the prescription is issued by a pharmacist acting  
7 pursuant to the authority provided by section 1 of the bill. These  
8 clarifying amendments apply to hospital, medical, and health  
9 service corporations, commercial, individual, small employer and  
10 group health insurers, health maintenance organizations, prepaid  
11 prescription organizations, and the State Health Benefits Program.