

ASSEMBLY, No. 4968

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JANUARY 28, 2019

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Allows pharmacists to dispense additional 30-day supply of hormonal contraceptives without refill order; allows patients to request automatic refills of hormonal contraceptives from mail order pharmacies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/2019)

1 AN ACT concerning access to hormonal contraceptives and
2 supplementing Title 45 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. A pharmacist may dispense up to a 30-day supply of a
8 hormonal contraceptive without a current, valid prescription from a
9 practitioner if all of the following conditions are satisfied:

10 (1) the pharmacy at which the pharmacist is practicing has a
11 record of a prescription for the hormonal contraceptive in the name
12 of the patient who is requesting the 30-day supply, but the
13 prescription does not provide for a refill or the time permitted for
14 providing the refill has passed;

15 (2) the pharmacist attempts but is unable to obtain authorization
16 to refill the prescription from the practitioner who issued the
17 prescription or another practitioner responsible for the patient's
18 care;

19 (3) the pharmacist has not provided the patient with a 30-day
20 supply of the hormonal contraceptive pursuant to this subsection in
21 the previous six-month period; and

22 (4) the pharmacist fulfills all documentation and other
23 requirements for dispensing established by the Board of Pharmacy
24 by regulation.

25 b. A pharmacist or the pharmacist's employer shall not be held
26 civilly liable for any act or omission in connection with the
27 dispensing of a 30-day supply of a hormonal contraceptive without
28 a current, valid prescription pursuant to this section, unless the act
29 or omission constitutes gross negligence, recklessness, or willful or
30 wanton misconduct.

31 c. Nothing in this section shall preclude a pharmacist from
32 dispensing hormonal contraceptives under other authority granted
33 by regulations promulgated by the Board of Pharmacy.

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35 2. A pharmacy that ships, mails, or delivers in any other
36 manner prescription drugs to patients in New Jersey shall offer
37 patients the option to request that prescriptions for hormonal
38 contraceptives be automatically refilled without the need for the
39 patient to make an individualized request for the refill. The
40 pharmacy shall make this option available to patients at all times,
41 including when the patient first requests delivery of a prescribed
42 hormonal contraceptive. If a patient requests that a prescription for
43 a hormonal contraceptive be automatically refilled, the pharmacy
44 shall take all necessary and appropriate steps to secure authorization
45 or approval for each refill prior to the time the patient's current
46 supply of the hormonal contraceptive will run out, so as to ensure
47 that the patient has access to an uninterrupted supply of the
48 hormonal contraceptive. If the practitioner who issued the

1 prescription for the hormonal contraceptive does not authorize a
2 refill, the pharmacy shall promptly notify the patient and advise the
3 patient to contact the practitioner directly or request a prescription
4 from another practitioner responsible for the patient's care.

5
6 3. The Board of Pharmacy, pursuant to the "Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
8 rules and regulations to effectuate the purposes of this act.

9
10 4. This act shall take effect the first day of the fourth month
11 next following the date of enactment, except that the Board of
12 Pharmacy may take such anticipatory administrative action in
13 advance thereof as shall be necessary to implement the provisions
14 of this act.

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17 STATEMENT
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19 This bill allows pharmacists to dispense a 30-day supply of a
20 hormonal contraceptive without a current, valid prescription, and
21 requires mail-order pharmacies to offer patients the option of
22 automatically refilling prescriptions for hormonal contraceptives.

23 Specifically, the bill requires that, as a condition of dispensing a
24 30-day supply of a hormonal contraceptive without a current, valid
25 prescription: (1) the pharmacy is required to have a record of a
26 prescription for the contraceptive for the patient that does not
27 otherwise authorize a refill; (2) the pharmacist has attempted,
28 unsuccessfully, to obtain authorization for the refill from the
29 practitioner who issued the prescription or another practitioner
30 responsible for the patient's care; (3) the pharmacist has not
31 provided the patient with a 30-day supply of the hormonal
32 contraceptive in the previous six-month period; and (4) the
33 pharmacist fulfills all documentation and other requirements for
34 dispensing established by the Board of Pharmacy by regulation.

35 The bill provides that pharmacists and their employers will not
36 be held civilly liable for any act or omission in connection with the
37 dispensing of a 30-day supply of a hormonal contraceptive without
38 a current, valid prescription under the bill, unless the act or
39 omission constitutes gross negligence, recklessness, or willful or
40 wanton misconduct. Nothing in the bill will preclude a pharmacist
41 from dispensing hormonal contraceptives under other authority
42 granted by regulations promulgated by the Board of Pharmacy.

43 The bill additionally requires that mail order pharmacies offer
44 patients the option to request that prescriptions for hormonal
45 contraceptives be automatically refilled without the need for the
46 patient to make an individualized request for the refill. The
47 pharmacy is to make the option available to patients at all times,
48 including when the patient first requests delivery of a prescribed

1 hormonal contraceptive. If a patient requests that a prescription for
2 a hormonal contraceptive be automatically refilled, the pharmacy
3 will be required to take all necessary and appropriate steps to secure
4 authorization or approval for each refill prior to the time the
5 patient's current supply of the hormonal contraceptive will run out,
6 so as to ensure that the patient has access to an uninterrupted supply
7 of the hormonal contraceptive. If the practitioner who issued the
8 prescription for the hormonal contraceptive does not authorize a
9 refill, the pharmacy is to promptly notify the patient and advise the
10 patient to contact the practitioner directly or request a prescription
11 from another practitioner responsible for the patient's care.