COMMITTEE REPORT

March 22, 2017

**H. 3064**

Introduced by Rep. Rutherford

S. Printed 3/22/17--H.

Read the first time January 10, 2017.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3064) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑43‑185 so as to provide the Board of Pharmacy shall issue a, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40‑43‑185. (A) A practitioner may prescribe contraceptive drugs that may be dispensed over a period of up to three years after the order is issued. The Board of Pharmacy may, in its discretion, issue a written protocol in compliance with which a pharmacist may dispense contraceptive drugs pursuant to such prescription orders.

(B) For purposes of this section, the term ‘contraceptive drugs’ means all drugs approved by the United States Food and Drug Administration that are used to prevent pregnancy, including, but not limited to, hormonal drugs administered orally, transdermally, or transvaginally.

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill requires the Board of Pharmacy, in consultation with the Board of Medical Examiners, the Board of Nursing, and the Department of Health and Environmental Control, to develop rules and standard procedures by which a pharmacist may prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives without the order of a medical practitioner. The bill provides guidelines and restrictions.

**Department of Labor, Licensing and Regulation.** The department indicates this bill will increase expenditures from other funds by $101,443 in FY 2017-18 and $88,414 each year after. The funding for the SC Board of Pharmacy expenditures is generated through licensure fees. The board estimates they will need to convene a minimum of three specific meetings in order to meet this requirement. New inspection requirements would increase normal pharmacy inspection times, resulting in the potential need to add an additional FTE and equipment. Though the expenses from this proposed legislation will be funded by other funds generated from licensure fees, the department does not expect the need to increase licensure fees should this bill be enacted. This bill will have no expenditure impact on the general fund or federal funds.

**Department of Health and Environmental Control**. The bill requires the Board of Pharmacy to consult with the department while developing the protocol. The department has knowledgeable staff available to assist the board. In regard to this provision, this bill is not expected to impact expenditures for the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑185 SO AS TO PROVIDE THE BOARD OF PHARMACY SHALL ISSUE A WRITTEN PROTOCOL IN COMPLIANCE WITH WHICH PHARMACISTS, WITHOUT AN ORDER OF A PRACTITIONER, MAY PRESCRIBE AND DISPENSE HORMONAL CONTRACEPTIVE PATCHES AND SELF‑ADMINISTERED ORAL HORMONAL CONTRACEPTIVES; TO PROVIDE THE BOARD ALSO SHALL ADOPT CERTAIN RULES TO ESTABLISH STANDARD PROCEDURES FOR THESE PRESCRIPTIONS AND DISPENSATIONS; AND TO PROVIDE THAT LAWS GOVERNING INSURANCE COVERAGE OF CONTRACEPTIVE DRUGS, DEVICES, PRODUCTS, AND SERVICES MUST BE CONSTRUED TO APPLY TO HORMONAL CONTRACEPTIVE PATCHES AND SELF‑ADMINISTERED ORAL HORMONAL CONTRACEPTIVES PRESCRIBED AND DISPENSED PURSUANT TO THIS ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40‑43‑185. (A) The Board of Pharmacy shall issue a written protocol in compliance with which a pharmacist, without an order of a practitioner, may prescribe and dispense hormonal contraceptive patches and self‑administered oral hormonal contraceptives to a person who is:

(1) at least eighteen years of age, regardless of whether the person provides evidence of a previous prescription from a primary care practitioner or women’s health care practitioner for a hormonal contraceptive patch or self‑administered oral hormonal contraceptive; or

(2) under eighteen years of age and provides evidence of a previous prescription from a primary care practitioner or women’s health care practitioner for a hormonal contraceptive patch or self‑administered oral hormonal contraceptive.

(B)(1) The board shall adopt rules to establish standard procedures for the prescribing of hormonal contraceptive patches and self‑administered oral hormonal contraceptives by pharmacists. In promulgating these regulations, the board shall:

(a) consult with the Board of Medical Examiners, the Board of Nursing, and the Department of Health and Environmental Control; and

(b) consider guidelines established by the American Congress of Obstetricians and Gynecologists.

(2) Rules adopted pursuant to this section must require a pharmacist to:

(a) complete a training program approved by the State Board of Pharmacy that is related to prescribing hormonal contraceptive patches and self‑administered oral hormonal contraceptives;

(b) provide a self‑screening risk assessment tool that the patient must use prior to the pharmacist’s prescribing the hormonal contraceptive patch or self‑administered oral hormonal contraceptive;

(c) refer the patient to the patient’s primary care practitioner or women’s health care practitioner upon prescribing and dispensing the hormonal contraceptive patch or self‑administered oral hormonal contraceptive;

(d) provide the patient with a written record of the hormonal contraceptive patch or self‑administered oral hormonal contraceptive prescribed and dispensed and advise the patient to consult with a primary care practitioner or women’s health care practitioner; and

(e) dispense the hormonal contraceptive patch or self‑administered oral hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription.

(3) Rules adopted pursuant to this section must prohibit a pharmacist from:

(a) requiring a patient to schedule an appointment with the pharmacist for the prescribing or dispensing of a hormonal contraceptive patch or self‑administered oral hormonal contraceptive; and

(b) prescribing and dispensing a hormonal contraceptive patch or self‑administered oral hormonal contraceptive to a patient who does not have evidence of a clinical visit for women’s health within the three years immediately following the initial prescription and dispensation of a hormonal contraceptive patch or self‑administered oral hormonal contraceptive by a pharmacist to the patient.

(C) All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services must be construed to apply to hormonal contraceptive patches and self‑administered oral hormonal contraceptives prescribed by a pharmacist under this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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