

Section-by-section summary for H.663, An act relating to contraceptives, school wellness, and menstrual hygiene products, as recommended by Senate Health & Welfare Committee

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Sec. 1. Purpose

- This section sets forth as the purpose of the bill improving compliance with existing contraceptive laws and further expanding access to contraceptives.

Sec. 2. 8 V.S.A. § 4099c – health insurance coverage for contraceptives

- This section requires that the existing health insurance coverage requirements for contraceptives, including providing coverage without cost-sharing for at least one drug, device, or product in each method of contraception prescribed for women, providing coverage without cost-sharing for voluntary sterilizations for men and women, and providing coverage for a 12-month supply of prescribed contraceptives, also apply to self-administered hormonal contraceptives prescribed by a pharmacist.

Sec. 3. 16 V.S.A. § 131 – definition of “comprehensive health education”

- This section specifies that the existing statutory definition of “comprehensive health education” applies throughout the education statutes, not just to the subchapter in which the definition appears. The result of this change is to make clear that when the statutes relating to the Secretary’s duties and to the required minimum course of study for all students refer to “comprehensive health education,” they all refer to the same definition.

Sec. 4. 16 V.S.A. § 132 – secondary schools; provision of contraceptives

- This section requires each school district to make condoms available for free to all students in its secondary schools (this means grades 7-12).
- The bill would give some discretion to school district administrative teams, but it specifies that, at a minimum, condoms must be available in the school nurse’s office.

Sec. 5. 18 V.S.A. § 12 – provision of information regarding contraceptives

- This section requires the Department of Health, in partnership with health care providers and health insurers, to communicate to adolescents and others of reproductive age information about contraceptive access and coverage.

Sec. 6. 33 V.S.A. § 4913 – exception to mandated reporter statute

- This section specifies that a school employee who is otherwise required by law to report suspected child abuse or neglect shall not be deemed to have violated that requirement solely on the basis of making condoms available to a secondary school student.

Secs. 7-9. 26 V.S.A. §§ 2022 and 2023 – pharmacists prescribing contraceptives

- Sections 7 and 8 set forth a framework by which pharmacists, in accordance with State protocols established by the Commissioner of Health, may prescribe self-administered hormonal contraceptives to patients.

- Section 9 requires the Commissioner of Health to create the required State protocol by January 1, 2021 in order to allow pharmacists to prescribe contraceptives beginning on and after that date.

Sec. 10. Comprehensive health education; report

- This section requires the Agency of Education and Department of Health to report to the House Human Services and Education Committees and the Senate Health and Welfare and Education Committees by January 15, 2021 regarding their continued efforts to support schools and school districts in providing comprehensive health education to Vermont students.

Secs. 11-14 added by Senate Health & Welfare Committee amendment:

Secs. 11 – 12. School wellness

- Sec. 11 expands existing school wellness program requirements to include comprehensive health education, modifies the membership of the Secretary of Education’s Advisory Council on Wellness and Comprehensive Health, and requires the Secretary to consult with other State officials working on childhood wellness
- Sec. 12 requires the Agency of Education to update and distribute a model wellness program policy to school districts by January 15, 2021.

Sec. 13. Menstrual hygiene products

- This section requires school districts and approved independent schools to make menstrual hygiene products available for free in a majority of their schools’ gender-neutral bathrooms and bathrooms designated for females that are generally used by females in grades 5-12. The districts and approved independent schools must bear the cost of supplying the products and may seek grants or partner with organizations to fulfill this obligation.

Sec. 14. Effective dates

- The provisions relating to pharmacists prescribing self-administered hormonal contraceptives would take effect on January 1, 2021.
- The menstrual hygiene product section would take effect on November 1, 2020 and apply beginning with the 2021-2022 school year.
- The remaining provisions would take effect on November 1, 2020.

New title: The Senate Health & Welfare Committee amendment would retitle the bill, which passed the House as “An act relating to increasing access to contraceptives,” to be “An act relating to contraceptives, school wellness, and menstrual hygiene products”