

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 663 entitled “An act relating to expanding access to contraceptives”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 8 V.S.A. § 4099c is amended to read:

8 § 4099c. REPRODUCTIVE HEALTH EQUITY IN HEALTH INSURANCE
9 COVERAGE

10 * * *

11 (h) The coverage requirements of this section shall apply to self-
12 administered hormonal contraceptives dispensed by a pharmacist to an insured
13 without a prescription in accordance with 26 V.S.A. § 2024. (from H.752)

14 Sec. 2. 16 V.S.A. § 131 is amended to read: (NEW)

15 § 131. DEFINITIONS

16 ~~For purposes of~~ As used in this subchapter title, “comprehensive health
17 education” means a systematic and extensive elementary and secondary
18 educational program designed to provide a variety of learning experiences
19 based upon knowledge of the human organism as it functions within its
20 environment. The term includes the study of:

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Sec. 3. 16 V.S.A. § 132 is added to read:

§ 132. SECONDARY SCHOOLS; PROVISION OF CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually transmitted diseases, each school district shall make **condoms** available to all students in its secondary schools, free of charge, ~~over the counter barrier method contraceptives~~. School district administrative teams, in consultation with school district nursing staff, shall determine the best manner in which to make ~~the contraceptives~~ **condoms** available to students. **Condoms At a minimum, condoms** shall be placed in locations that are safe and readily accessible to students, including the school nurse’s office.

Sec. 4. 18 V.S.A. § 12 is added to read:

§ 12. PROVISION OF INFORMATION REGARDING CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually transmitted diseases, the Department of Health, in partnership with health care providers and health insurers, shall communicate to adolescents and other individuals of reproductive age information regarding contraceptive access and coverage.

1 Sec. 5. 33 V.S.A. § 4913 is amended to read:

2 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL
3 ACTION

4 (a) A mandated reporter is any:

5 * * *

6 (2) individual who is employed by a school district or an approved or
7 recognized independent school, or who is contracted and paid by a school
8 district or an approved or recognized independent school to provide student
9 services, including any:

10 (A) school superintendent;

11 (B) headmaster of an approved or recognized independent school as
12 defined in 16 V.S.A. § 11;

13 (C) school teacher;

14 (D) student teacher;

15 (E) school librarian;

16 (F) school principal; and

17 (G) school guidance counselor;

18 * * *

19 (l) A mandated reporter as described in subdivision (a)(2) of this section
20 shall not be deemed to have violated the requirements of this section solely on
21 the basis of distributing or making condoms available over the counter

1 contraceptive devices and products to a secondary school students in
2 accordance with 16 V.S.A. § 132 or 18 V.S.A. § 12, or both.

3 Sec. 6. 26 V.S.A. § 2022 is amended to read: **(from H.752)**

4 § 2022. DEFINITIONS

5 As used in this chapter:

6 * * *

7 (15)(A) “Practice of pharmacy” means:

8 * * *

9 (vii) optimizing drug therapy through the practice of clinical
10 pharmacy; ~~and~~

11 (viii) dispensing self-administered hormonal contraceptives in
12 accordance with section 2024 of this chapter; and

13 (ix) performing or offering to perform those acts, services,
14 operations, or transactions necessary in the conduct, operation, management,
15 and control of pharmacy.

16 * * *

17 (21) “Self-administered hormonal contraceptive” means a contraceptive
18 medication or device approved by the U.S. Food and Drug Administration that
19 prevents pregnancy by using hormones to regulate or prevent ovulation and
20 that uses an oral, transdermal, vaginal, or depot injection route of
21 administration.

1 Sec. 7. 26 V.S.A. § 2024 is added to read: **(from H.752)**

2 § 2024. DISPENSING CONTRACEPTIVES WITHOUT A PRESCRIPTION

3 (a) A licensed pharmacist who meets the requirements of the rules adopted
4 by the Board pursuant to this section may dispense self-administered hormonal
5 contraceptives to a patient without a prescription.

6 (b) The Board of Pharmacy, in consultation with the Board of Medical
7 Practice and other interested health professional associations and stakeholders,
8 shall adopt rules pursuant to 3 V.S.A. chapter 25 establishing the conditions
9 under which a pharmacist may dispense self-administered hormonal
10 contraceptives to a patient without a prescription and the standard procedures
11 that a pharmacist shall use to select the appropriate contraceptive for a patient
12 or to refer the patient to a primary care provider or reproductive health care
13 provider for treatment. The Board's rules shall require the pharmacist to:

14 (1) complete an educational training program accredited by the
15 Accreditation Council for Pharmacy Education relating to hormonal
16 contraceptives, unless the pharmacist has already undergone this training as
17 part of the pharmacist's formal educational program;

18 (2) comply with the most current U.S. Medical Eligibility Criteria for
19 Contraceptive Use as adopted by the Centers for Disease Control and
20 Prevention;

1 (3) provide a self-screening risk assessment tool that a patient must use
2 before a pharmacist may dispense hormonal contraceptives to the patient
3 without a prescription;

4 (4) follow other standard procedures established by the Board; and

5 (5) after dispensing hormonal contraceptives to a patient without a
6 prescription:

7 (A) refer the patient for additional care to the patient’s primary care
8 provider or reproductive health care provider or, if the patient does not have a
9 primary care or reproductive health care provider, to a family planning
10 provider or licensed clinician who provides reproductive health care services;

11 (B) provide the patient with:

12 (i) a written record of the contraceptives dispensed; and

13 (ii) written information about the importance of seeing the
14 patient’s primary care provider or reproductive health care provider to obtain
15 recommended tests and screenings;

16 (C) record the dispensing of the contraceptives in any electronic
17 health record maintained on the patient by the pharmacist; and

18 (D) provide the patient with a copy of the record of the encounter that
19 includes the patient’s completed self-assessment tool and the contraceptive
20 dispensed or, if applicable, the basis for not dispensing the contraceptive.

1 Sec. 8. BOARD OF PHARMACY; RULEMAKING **(from H.752)**

2 The Board of Pharmacy, in consultation with the Board of Medical Practice
3 and other interested health professional associations and stakeholders, shall
4 adopt rules pursuant to 3 V.S.A. chapter 25 to enable pharmacists to dispense
5 self-administered hormonal contraceptives to patients without a prescription as
6 set forth in 26 V.S.A. § 2024, as added by Sec. 7 of this act. The Board shall
7 proceed expeditiously with the rulemaking process in order to ensure that the
8 rules will be in effect to enable licensed pharmacists to begin dispensing self-
9 administered hormonal contraceptives to patients without a prescription on
10 January 1, 2021.

11 Sec. 9. COMPREHENSIVE HEALTH EDUCATION; REPORT **(NEW)**

12 On or before January 15, 2021, the Agency of Education and Department of
13 Health shall report to the House Committees on Human Services and on
14 Education and the Senate Committees on Health and Welfare and on Education
15 regarding their continued efforts to support schools and school districts in
16 providing comprehensive health education to Vermont students, as required by
17 16 V.S.A. § 906(b)(3) and as defined in 16 V.S.A. § 131, including sexual
18 health and safety.

19 Sec. 10. EFFECTIVE DATES

20 (a) Sec. 1 (8 V.S.A. § 4099c) shall take effect on January 1, 2021 and shall
21 apply to health insurance plans issued on and after January 1, 2021 on such

1 date as a health insurer offers, issues, or renews the plan, but in no event later
2 than January 1, 2022.

3 (b) Secs. **6** (26 V.S.A. § 2022) and **7** (26 V.S.A. § 2024) shall take effect
4 on January 1, 2021. **(from H.752)**

5 (c) The remainder of this act shall take effect on July 1, 2020.

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12 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE