

**SENATE BILL NO. 169**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-NINTH LEGISLATURE - SECOND SESSION

**BY SENATOR GARDNER**

**Introduced: 2/5/16**

**Referred: Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the authority of pharmacists to prescribe and dispense self-**  
2 **administered hormonal contraceptives; relating to the duties of the Board of Pharmacy;**  
3 **relating to insurance coverage for contraceptives prescribed by pharmacists; and**  
4 **providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **\* Section 1.** AS 08.80.030(b) is amended to read:

7 (b) In order to fulfill its responsibilities, the board has the powers necessary  
8 for implementation and enforcement of this chapter, including the power to

9 (1) elect a president and secretary from its membership and adopt rules  
10 for the conduct of its business;

11 (2) license by examination or by license transfer the applicants who are  
12 qualified to engage in the practice of pharmacy;

13 (3) assist the department in inspections and investigations for  
14 violations of this chapter, or of any other state or federal statute relating to the practice

1 of pharmacy;

2 (4) adopt regulations to carry out the purposes of this chapter;

3 (5) establish and enforce compliance with professional standards and  
4 rules of conduct for pharmacists engaged in the practice of pharmacy;

5 (6) determine standards for recognition and approval of degree  
6 programs of schools and colleges of pharmacy whose graduates shall be eligible for  
7 licensure in this state, including the specification and enforcement of requirements for  
8 practical training, including internships;

9 (7) establish for pharmacists and pharmacies minimum specifications  
10 for the physical facilities, technical equipment, personnel, and procedures for the  
11 storage, compounding, and dispensing of drugs or related devices, and for the  
12 monitoring of drug therapy;

13 (8) enforce the provisions of this chapter relating to the conduct or  
14 competence of pharmacists practicing in the state, and the suspension, revocation, or  
15 restriction of licenses to engage in the practice of pharmacy;

16 (9) license and regulate the training, qualifications, and employment of  
17 pharmacy interns and pharmacy technicians;

18 (10) issue licenses to persons engaged in the manufacture and  
19 distribution of drugs and related devices;

20 (11) establish and maintain a controlled substance prescription  
21 database as provided in AS 17.30.200;

22 (12) establish standards for the independent administration by a  
23 pharmacist of vaccines and related emergency medications under AS 08.80.168,  
24 including the completion of an immunization training program approved by the board;

25 **(13) approve a training program for prescribing self-administered**  
26 **hormonal contraceptives and counseling patients on all contraceptive methods,**  
27 **including long-acting reversible contraception.**

28 \* **Sec. 2.** AS 08.80 is amended by adding a new section to read:

29 **Sec. 08.80.175. Prescribing and dispensing contraceptives.** (a) A qualified  
30 pharmacist may prescribe and dispense self-administered hormonal contraceptives as  
31 provided in this section.

1 (b) To be qualified under this section, a pharmacist shall provide evidence  
2 satisfactory to the board that the pharmacist has completed a training program  
3 approved by the board that is related to prescribing self-administered hormonal  
4 contraceptives and counseling patients on all contraceptive methods.

5 (c) A pharmacist qualified under (b) of this section shall

6 (1) before prescribing a self-administered hormonal contraceptive,

7 (A) receive a self-screening assessment tool from the patient;

8 (B) provide information to the patient describing all available  
9 contraceptive methods; and

10 (C) refer the patient to the patient's primary care practitioner or  
11 women's health care practitioner to discuss long-acting reversible  
12 contraception options;

13 (2) at the time of prescribing and dispensing a self-administered  
14 hormonal contraceptive,

15 (A) refer the patient to the patient's primary care practitioner or  
16 women's health care practitioner;

17 (B) provide the patient with a written record of the self-  
18 administered hormonal contraceptive prescribed and dispensed; and

19 (C) counsel and advise the patient to consult with a primary  
20 care practitioner or women's health care practitioner about the prescription;

21 (3) dispense the self-administered hormonal contraceptive to the  
22 patient as soon as practicable after the pharmacist issues the prescription.

23 (d) A pharmacist may not require a patient to schedule an appointment with  
24 the pharmacist for the prescribing or dispensing of a self-administered hormonal  
25 contraceptive.

26 (e) If a patient has previously filled a prescription by a pharmacist under this  
27 section, a qualified pharmacist may not prescribe and dispense a self-administered  
28 hormonal contraceptive to the same patient unless the patient has provided the  
29 pharmacist satisfactory evidence that the patient has made a clinical visit for women's  
30 health care within three years after the pharmacist's initial prescription.

31 (f) The board shall adopt regulations to establish, in consultation with the

1 State Medical Board, the State Board of Nursing, and the Department of Health and  
2 Social Services and in consideration of guidelines established by the American  
3 Congress of Obstetricians and Gynecologists, standard procedures for the prescribing  
4 of self-administered hormonal contraceptives by qualified pharmacists consistent with  
5 this section.

6 (g) All state and federal laws governing insurance coverage of contraceptive  
7 drugs, devices, products, and services apply to self-administered hormonal  
8 contraceptives prescribed by a qualified pharmacist under this section.

9 \* **Sec. 3.** AS 08.80.480(27) is amended to read:

10 (27) "practice of pharmacy" means the interpretation, evaluation, and  
11 dispensing of prescription drug orders in the patient's best interest; participation in  
12 drug and device selection, drug administration, drug regimen reviews, and drug or  
13 drug-related research; provision of patient counseling and the provision of those acts  
14 or services necessary to provide pharmaceutical care; the administration of vaccines  
15 and related emergency medication; **the prescribing and dispensing of self-**  
16 **administered hormonal contraceptives under AS 08.80.175;** and the responsibility  
17 for compounding and labeling of drugs and devices except labeling by a manufacturer,  
18 repackager, or distributor of nonprescription drugs and commercially packaged legend  
19 drugs and devices; proper and safe storage of drugs and devices; and maintenance of  
20 proper records for them;

21 \* **Sec. 4.** AS 08.80.480 is amended by adding new paragraphs to read:

22 (37) "long-acting reversible contraception" means a contraceptive  
23 method that is effective for an extended period of time without requiring action by the  
24 patient, including injections, intrauterine devices, and subdermal contraceptive  
25 implants;

26 (38) "self-administered hormonal contraceptive" means a product,  
27 device, or drug composed of a combination of hormones that is approved by the  
28 United States Food and Drug Administration to prevent pregnancy and that the patient  
29 to whom the drug is prescribed may administer to themselves; "self-administered  
30 hormonal contraceptive" does not include long-acting reversible contraception.

31 \* **Sec. 5.** AS 21.96 is amended by adding a new section to read:

1           **Sec. 21.96.115. Coverage for contraceptives prescribed by a qualified**  
2           **pharmacist.** A health care insurer may not deny coverage solely because a qualified  
3           pharmacist prescribed the self-administered hormonal contraceptive to the patient  
4           under AS 08.80.175.

5           \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
6           read:

7           TRANSITION: REGULATIONS. The Board of Pharmacy may adopt regulations  
8           necessary to implement the changes made by this Act. The regulations take effect under  
9           AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant  
10          provision of this Act implemented by the regulation.

11          \* **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

12          \* **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2017.