

House Bill 1138 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Camp of the 135th, Jones of the 47th, Ballard of the 147th, Rice of the 139th, Reeves of the 99th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
2 relating to practice of pharmacy, so as to authorize pharmacists in certain circumstances to
3 dispense self-administered hormonal contraceptives or administer injectable hormonal
4 contraceptives; to provide for a definition; to provide for a joint protocol agreement; to
5 amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating
6 to general provisions regarding insurance generally, so as to provide minimum amounts of
7 certain contraceptives that shall be provided by insurers; to amend Article 1 of Chapter 34
8 of Title 43 of the Official Code of Georgia Annotated, relating to the Georgia Composite
9 Medical Board, so as to waive civil liability, criminal culpability, and professional discipline
10 under certain circumstances; to amend Article 7 of Chapter 4 of Title 49 of the Official Code
11 of Georgia Annotated, relating to medical assistance generally, so as to provide for certain
12 minimums regarding Medicaid contraception coverage; to provide for related matters; to
13 provide for a short title; to provide for an effective date and applicability; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

16

17 This Act shall be known and may be cited as the "Increasing Access to Contraceptives Act."

SECTION 2.

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19 Article 3 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the
20 practice of pharmacy, is amended by adding a new Code section to read as follows:

21 "26-4-53.

22 (a) As used in this Code section, the term 'prescribing practitioner' means a physician duly
23 licensed under Article 2 of Chapter 34 of Title 43 who issues a standing order for
24 self-administered contraceptives or injectable hormonal contraceptives.

25 (b) A person licensed under Chapter 4 of this title, the 'Georgia Pharmacy Practice Act,'
26 who is acting in good faith and exercising reasonable care as a pharmacist and who is
27 employed by a hospital or a pharmacy that is licensed by this state may dispense a
28 self-administered hormonal contraceptive or administer an injectable hormonal
29 contraceptive pursuant to a standing order by a lawfully authorized prescribing practitioner
30 issued in accordance with subsection (d) of this Code section to a patient who is:

31 (1) Eighteen years of age or older; or

32 (2) Under eighteen years of age if the person has evidence of a previous prescription
33 from a prescribing practitioner for a self-administered hormonal contraceptive or an
34 injectable hormonal contraceptive.

35 (c) Nothing in this Code section shall be construed to require a pharmacist to dispense a
36 self-administered hormonal contraceptive or administer an injectable hormonal
37 contraceptive. Nothing in this article shall be construed to amend a pharmacist's duties to
38 dispense or otherwise provide contraception prescribed by a prescribing practitioner.

39 (d) The Georgia Composite Medical Board and the Georgia State Board of Pharmacy shall
40 issue a written joint protocol agreement to take effect on January 1, 2027, which shall
41 authorize pharmacists to dispense self-administered hormonal contraceptives and

42 administer injectable hormonal contraceptives without a patient-specific written order, and
43 such agreement shall include the following:

44 (1) Education or training that the Georgia State Board of Pharmacy shall determine to
45 be necessary for a pharmacist to dispense a self-administered hormonal contraceptive or
46 administer an injectable hormonal contraceptive;

47 (2) Information that a pharmacist shall provide to a patient prior to dispensing a
48 self-administered hormonal contraceptive or administering an injectable hormonal
49 contraceptive and confirmation that the required information was provided to the patient;

50 (3) Documentation regarding the dispensing of a self-administered hormonal
51 contraceptive or the administering of an injectable hormonal contraceptive;

52 (4) Notification to a patient's designated prescribing practitioner that a self-administered
53 hormonal contraceptive was dispensed to the patient or that an injectable hormonal
54 contraceptive was administered to the patient;

55 (5) Evaluation and review of the dispensing and administration practices used by
56 pharmacists authorized to dispense a self-administered hormonal contraceptive or
57 administer an injectable hormonal contraceptive; and

58 (6) Any additional provisions that the Georgia Composite Medical Board and the
59 Georgia State Board of Pharmacy determine to be necessary or appropriate for inclusion
60 in the protocol, including any reporting requirements.

61 (e) For each new patient requesting contraception and at least every twelve months for
62 each returning patient, the written joint protocol agreement provided in subsection (d) of
63 this Code section shall require a pharmacist dispensing or administering contraceptives
64 pursuant to this Code section to:

65 (1) Obtain a completed self-screening risk assessment;

66 (2) Utilize a standardized procedure as established by the Georgia Composite Medical
67 Board and the Georgia State Board of Pharmacy to perform a patient assessment;

- 68 (3) Dispense, if clinically appropriate, a self-administered hormonal contraceptive or
69 administer an injectable hormonal contraceptive, or refer the patient to a practitioner;
70 (4) Provide the patient with a visit summary;
71 (5) Advise the patient to consult with a practitioner;
72 (6) Refer any patient who may be subject to abuse to the appropriate social services
73 agency; and
74 (7) Ensure that the pharmacy provides appropriate space to prevent the spread of
75 infection and ensure confidentiality.
- 76 (f) The Georgia Composite Medical Board and the Georgia State Board of Pharmacy may
77 appoint an advisory committee of healthcare professionals licensed in this state to advise
78 and assist in the development of the written joint protocol agreement provided in
79 subsection (d) of this Code section for their consideration.
- 80 (g) Prior to dispensing self-administered hormonal contraceptives or administering
81 injectable hormonal contraceptives, a pharmacist shall have completed a certificate
82 program that has been accredited by the American Council for Pharmacy Education or a
83 similar health authority or professional body approved by the Georgia State Board of
84 Pharmacy and the Georgia Composite Medical Board, as specified in the written joint
85 protocol agreement provided in subsection (d) of this Code section, that is program-specific
86 to self-administered hormonal contraceptives or injectable hormonal contraceptives, that
87 includes the application of the United States Medical Eligibility Criteria for Contraceptive
88 Use, and that includes federal Centers for Disease Control and Prevention guidance on
89 contraception. To maintain eligibility, a pharmacist shall complete at least one hour of
90 continuing education per year that is offered by an entity approved by the Georgia
91 Composite Medical Board and the Georgia State Board of Pharmacy. An equivalent,
92 curriculum based training program completed on or after January 1, 2026, in an accredited
93 Georgia pharmacy school satisfies the initial education requirement.

94 (h) A pharmacist who dispenses a self-administered hormonal contraceptive or administers
95 an injectable hormonal contraceptive pursuant to this chapter shall:

96 (1) Obtain a completed self-screening risk assessment questionnaire that has been
97 approved by the department, in collaboration with the Georgia State Board of Pharmacy
98 and the Georgia Composite Medical Board, from the patient before dispensing the
99 self-administered hormonal contraceptive or administering the injectable hormonal
100 contraceptive. If the results of the assessment indicate that it is unsafe to dispense a
101 self-administered hormonal contraceptive or administer an injectable hormonal
102 contraceptive to a patient, then the pharmacist may not dispense a self-administered
103 hormonal contraceptive or administer an injectable hormonal contraceptive to the patient,
104 shall refer the patient to a practitioner, and shall not continue to dispense a
105 self-administered hormonal contraceptive or administer an injectable hormonal
106 contraceptive to the patient until 24 months after the date of the initial prescription
107 without evidence that the patient has consulted with a practitioner during the preceding
108 24 months; and

109 (2) Provide the patient with written materials regarding:

110 (A) The importance of seeing the patient's practitioner annually to obtain
111 recommended tests and screening;

112 (B) The effectiveness and availability of long-acting reversible contraceptives as an
113 alternative to self-administered hormonal contraceptives or injectable hormonal
114 contraceptives;

115 (C) A copy of the record of the encounter with the patient that includes the patient's
116 completed assessment questionnaire;

117 (D) A description of the contraceptive dispensed or administered, or the basis for not
118 dispensing or administering a contraceptive;

119 (E) The Medicaid program in this state and how to apply for Medicaid benefits; and

120 (F) The effectiveness of abstinence in preventing pregnancy and contracting a sexually
121 transmitted disease. The written materials shall include the following: 'Abstinence is
122 the choice not to have sex. This method is 100 percent effective in preventing
123 pregnancy and infection as long as all sexual contact is avoided, including vaginal, oral,
124 and anal sex.'

125 (j) If a pharmacist dispenses a self-administered hormonal contraceptive or administers an
126 injectable hormonal contraceptive to a patient, then the pharmacist shall, at a minimum,
127 provide counseling to the patient regarding:

128 (1) The appropriate administration and storage of a self-administered hormonal
129 contraceptive, if appropriate;

130 (2) Any potential side effects and risks of a self-administered hormonal contraceptive or
131 injectable hormonal contraceptive;

132 (3) The need for backup contraception;

133 (4) When to seek emergency medical attention; and

134 (5) The risk of contracting a sexually transmitted disease, along with ways to reduce the
135 risk of contraction.

136 (k) A pharmacist who dispenses a self-administered hormonal contraceptive or administers
137 an injectable hormonal contraceptive in accordance with the provisions of this Code section
138 is not as a result of an act or omission subject to civil liability or criminal culpability or to
139 professional disciplinary action by the Georgia State Board of Pharmacy."

140 **SECTION 3.**

141 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
142 general provisions regarding insurance generally, is amended by adding a new Code section
143 to read as follows:

144 "33-24-59.37.

145 (a) Every health benefit policy that is delivered, issued, executed, or renewed in this state
146 or approved for issuance or renewal in this state by the Commissioner which provides
147 coverage for prescription drugs on an outpatient basis shall provide coverage for any
148 prescribed drug or device approved by the United States Food and Drug Administration for
149 use as a contraceptive to the extent required in subsection (b) of this Code section.

150 (b) Every health benefit policy that provides benefits for a prescriptive contraceptive drug
151 shall provide an insured or enrollee with coverage for no less than a three-month supply
152 of the covered prescription at one time the first time that the insured or enrollee obtains the
153 drug and a 12 month supply of the covered prescription at one time each subsequent time
154 the insured or enrollee obtains the drug.

155 (c) An insured or enrollee may obtain no more than a 12 month supply of a covered
156 prescription contraceptive drug during each 12 month period."

157 **SECTION 4.**

158 Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the
159 Georgia Composite Medical Board, is amended by adding a new Code section to read as
160 follows:

161 "43-34-16.

162 A practitioner who issues a standing prescription drug order in accordance with Code
163 Section 26-4-53 is not subject to civil liability, criminal culpability, or professional
164 discipline by the Georgia Medical Composite Board for acts or omissions resulting from
165 the dispensing of a self-administered hormonal contraceptive or the administering of an
166 injectable hormonal contraceptive."

167 **SECTION 5.**

168 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
169 medical assistance generally, is amended by adding a new Code section to read as follows:

170 "49-4-159.5.

171 (a) The department shall provide Medicaid recipients who are women with no less than
172 a three-month supply of covered contraceptive drugs at one time the first time that the
173 recipient obtains the drug and a 12 month supply of the covered prescription at one time
174 each subsequent time such recipient obtains the drug.

175 (b) The department shall provide Medicaid recipients who are women with no more than
176 a 12 month supply of covered contraceptive drugs during each 12 month period.

177 (c) To implement the provisions of this Code section, the department shall, when
178 necessary, submit a Medicaid state plan amendment or waiver request to the United States
179 Department of Health and Human Services."

180 **SECTION 6.**

181 This Act shall become effective on January 1, 2027, and shall apply to all applicable
182 insurance policies issued, delivered, issued for delivery, or renewed on or after that date.

183 **SECTION 7.**

184 All laws and parts of laws in conflict with this Act are repealed.