

House Bill 1138 (AS PASSED HOUSE AND SENATE)

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 Titles 26, 33, and 49 of the Official Code of Georgia Annotated, relating to food,
2 drugs, and cosmetics, insurance, and social services, respectively, so as to authorize
3 pharmacists in certain circumstances to dispense self-administered hormonal contraceptives
4 or administer injectable hormonal contraceptives; to provide for a definition; to provide
5 minimum amounts of certain contraceptives that shall be provided by insurers; to provide for
6 certain minimums regarding Medicaid contraception coverage; to provide for compensation
7 of pharmacists; to provide for a short title; to provide for an effective date and applicability;
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

12 **SECTION 2.**

13 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
14 is amended in Chapter 4, relating to pharmacists and pharmacies, by adding a new Code
15 section to read as follows:

16 "26-4-53.

17 (a) As used in this Code section, the term 'practitioner' means a physician duly licensed
18 under Article 2 of Chapter 34 of Title 43, advanced practice registered nurse acting
19 pursuant to the authority under Code Section 43-34-25, or physician assistant acting
20 pursuant to the authority under Code Sections 43-34-23 and 43-34-105, who is a resident
21 of and actively engaged in the practice of his or her profession in this state.

22 (b) A person licensed under Chapter 4 of this title, the 'Georgia Pharmacy Practice Act,'
23 who is acting in good faith and exercising reasonable care as a pharmacist and who is
24 employed by a hospital or a pharmacy that is licensed by this state may dispense a
25 self-administered contraceptive or administer an injectable contraceptive pursuant to a
26 written joint protocol agreement issued in accordance with subsection (d) of this Code
27 section to a patient.

28 (c) Nothing in this Code section shall be construed to require a pharmacist to dispense a
29 self-administered contraceptive or administer an injectable contraceptive. Nothing in this
30 article shall be construed to amend a pharmacist's duties to dispense or otherwise provide
31 contraception prescribed by a practitioner.

32 (d) The Department of Public Health and the Georgia State Board of Pharmacy shall issue
33 a written joint protocol agreement to take effect on January 1, 2027, which shall authorize
34 pharmacists to dispense self-administered contraceptives and administer injectable
35 contraceptives without a patient-specific written order, and such agreement shall include
36 the following:

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

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

- 43 (3) Documentation regarding the dispensing of a self-administered contraceptive or the
44 administering of an injectable contraceptive;
- 45 (4) Evaluation and review of the dispensing and administration practices used by
46 pharmacists authorized to dispense a self-administered contraceptive or administer an
47 injectable contraceptive; and
- 48 (5) Any additional provisions that the Department of Public Health and the Georgia State
49 Board of Pharmacy determine to be necessary or appropriate for inclusion in the protocol,
50 including any reporting requirements.
- 51 (e) For each new patient requesting a self-administered contraceptive or injectable
52 contraceptive and at least every 12 months for each returning patient, the written joint
53 protocol agreement provided in subsection (d) of this Code section shall require a
54 pharmacist dispensing or administering such contraceptives pursuant to this Code section
55 to:
- 56 (1) Obtain a completed self-screening risk assessment;
- 57 (2) Utilize a standardized procedure as established by the Department of Public Health
58 and the Georgia State Board of Pharmacy to perform a patient assessment;
- 59 (3) Dispense, if clinically appropriate, a self-administered contraceptive or administer
60 an injectable contraceptive, or refer the patient to a practitioner;
- 61 (4) Provide the patient with a visit summary;
- 62 (5) Advise the patient to consult with a practitioner;
- 63 (6) Refer any patient who may be subject to abuse to the appropriate social services
64 agency; and
- 65 (7) Ensure that the pharmacy provides appropriate space to prevent the spread of
66 infection and ensure confidentiality.
- 67 (f) The Department of Public Health and the Georgia State Board of Pharmacy may
68 appoint an advisory committee of healthcare professionals licensed in this state to advise

69 and assist in the development of the written joint protocol agreement provided in
70 subsection (d) of this Code section for its consideration.

71 (g) Prior to dispensing self-administered contraceptives or administering injectable
72 contraceptives, a pharmacist shall have completed a certificate program that has been
73 accredited by the American Council for Pharmacy Education or a similar health authority
74 or professional body approved by the Georgia State Board of Pharmacy, as specified in the
75 written joint protocol agreement provided in subsection (d) of this Code section, that is
76 program-specific to self-administered contraceptives or injectable contraceptives, that
77 includes the application of the United States Medical Eligibility Criteria for Contraceptive
78 Use, and that includes federal Centers for Disease Control and Prevention guidance on
79 contraception. The initial program required shall include 12 hours of self-study, eight
80 hours of live or recorded seminar, a written examination, and a hands-on assessment of
81 intramuscular and subcutaneous injection technique. To maintain eligibility, a pharmacist
82 shall complete at least one hour of continuing education per year that is offered by an entity
83 approved by the Georgia State Board of Pharmacy. An equivalent curriculum based
84 training program completed on or after January 1, 2026, in an accredited Georgia pharmacy
85 school shall satisfy the initial education requirement. Verification of compliance with the
86 initial education requirement and continued eligibility shall be conducted by the Georgia
87 State Board of Pharmacy.

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

90 (1) Obtain a completed self-screening risk assessment questionnaire that has been
91 approved by the Department of Public Health, in collaboration with the Georgia State
92 Board of Pharmacy, from the patient before dispensing the self-administered
93 contraceptive or administering the injectable contraceptive. If the results of the
94 assessment indicate that it is unsafe to dispense a self-administered contraceptive or
95 administer an injectable contraceptive to a patient, then the pharmacist may not dispense

- 96 a self-administered contraceptive or administer an injectable contraceptive to the patient;
97 and
- 98 (2) Provide the patient with written materials regarding:
- 99 (A) The importance of seeing the patient's practitioner annually to obtain
100 recommended tests and screening;
- 101 (B) The effectiveness and availability of long-acting reversible contraceptives as an
102 alternative to self-administered contraceptives or injectable contraceptives;
- 103 (C) A copy of the record of the encounter with the patient that includes the patient's
104 completed assessment questionnaire;
- 105 (D) A description of the contraceptive dispensed or administered, or the basis for not
106 dispensing or administering a contraceptive;
- 107 (E) If applicable, the Medicaid program in this state and how to apply for Medicaid
108 benefits; and
- 109 (F) The effectiveness of abstinence in preventing pregnancy and contracting a sexually
110 transmitted disease.
- 111 (i) If a pharmacist dispenses a self-administered contraceptive or administers an injectable
112 contraceptive to a patient, then the pharmacist shall, at a minimum, provide counseling to
113 the patient regarding:
- 114 (1) The appropriate administration and storage of a self-administered contraceptive, if
115 appropriate;
- 116 (2) Any potential side effects and risks of a self-administered contraceptive or injectable
117 contraceptive;
- 118 (3) The need for backup contraception;
- 119 (4) When to seek emergency medical attention; and
- 120 (5) The risk of contracting a sexually transmitted disease, along with ways to reduce the
121 risk of contraction.

122 (j) A pharmacist who dispenses a self-administered contraceptive or administers an
123 injectable contraceptive in accordance with the provisions of this Code section shall not be
124 subject to criminal or civil liability."

125 **SECTION 3.**

126 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in
127 Chapter 24, relating to insurance generally, by adding a new Code section to read as follows:

128 "33-24-59.37.

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

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

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

141 (d) Every insurer providing a policy described in subsection (a) of this Code section is
142 prohibited from denying reimbursement to a pharmacist or the employer of a pharmacist
143 who dispenses a self-administered contraceptive or administers an injectable contraceptive
144 in accordance with the provisions of Code Section 26-4-53. Such reimbursement shall be
145 no less the rate than that provided to physician assistants and nurse practitioners providing
146 the same or substantially the same service."

147 **SECTION 4.**

148 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
149 in Chapter 4, relating to public assistance, by adding a new Code section to read as follows:

150 "49-4-159.5.

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

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

157 (c) The department shall reimburse a pharmacist or the employer of a pharmacist who
158 dispenses a self-administered contraceptive or administers an injectable contraceptive in
159 accordance with the provisions of Code Section 26-4-53. Such reimbursement shall be no
160 less the rate than that provided to physician assistants and nurse practitioners providing the
161 same or substantially the same service.

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

165 **SECTION 5.**

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

168 **SECTION 6.**

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