SPONSOR: Sen. Pinkney & Rep. K. Johnson & Rep. Dorsey Walker
Sens. Gay, Hansen, Lockman, S. McBride, Poore, Sokola, Sturgeon, Townsend; Reps. Baumbach, Kowalko, Lambert, S. Moore, Morrison, Wilson-Anton

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 105

AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO PHARMACISTS DISPENSING AND ADMINISTERING CONTRACEPTIVES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part II, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 30P. Dispensing and Dispensing and Administering Injectable Hormonal Contraceptives by Pharmacists.

§ 3001P. Definitions.

For purposes of this chapter:

(1) "Contraceptives" means contraceptive medications approved by the Food and Drug Administration.

(2) "Health-care practitioner" means an individual licensed and authorized to write medical orders for an individual under Title 24.

(3) "Pharmacist" means an individual licensed under Chapter 25 of Title 24.

§ 3002P. Dispensing or dispensing and administering contraceptives by pharmacists; standing order.

(a) The Department shall create a written standing order that allows a pharmacist to dispense contraceptives and dispense and administer injectable hormonal contraceptives under the standing order.

(b) The standing order under this section must require a pharmacist to comply with the rules and regulations promulgated under this chapter and must include all of the following:

(1) The standard procedures that a pharmacist must use to select the appropriate contraceptive to dispense to a patient or to refer the patient to a health-care practitioner for treatment.

(2) The conditions under which a pharmacist may dispense contraceptives.

(3) The conditions under which a pharmacist may dispense and administer injectable hormonal contraceptives.

§ 3003P. Dispensing or dispensing and administering contraceptives by pharmacists; regulations.

(a) The Department shall promulgate regulations to implement this chapter, in consultation with applicable licensing boards, including the Board of Pharmacy and the Board of Medical Licensure and Discipline,

(b) The regulations promulgated under this section must include the length of time a person may receive contraceptives under this chapter without an examination by a health-care practitioner.

(c) The regulations promulgated under this section must require a pharmacist to do all of the following:

(1) Complete an approved training program related to dispensing and administering contraceptives under the standing order.

(2) Provide a self-screening risk assessment tool that the patient must use prior to the pharmacist dispensing or dispensing and administering the contraceptive.

(3) Refer the patient to the patient's health-care practitioner upon dispensing or dispensing and administering the contraceptive for any additional care.

(4) Provide the patient with all of the following:

a. A copy of the record of the encounter that includes the patient's completed self-assessment.

b. A written record of the contraceptive dispensed or dispensed and administered or the basis for not dispensing or dispensing and administering a contraceptive.

c. Written information about the importance of seeing the patient's health-care practitioner to obtain recommended tests and screenings.

(5) Dispense the contraceptive or dispense and administer the injectable hormonal contraceptive as soon as practicable after the pharmacist determines that the patient meets the requirements under the standing order.

Section 2. Amend § 2502, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2502. Definitions:

~~The following words, terms, and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.~~ For purposes of this chapter:

(23) "Practice of pharmacy" means the interpreting, evaluating, and dispensing of a practitioner's or prescriber's order. The practice of pharmacy ~~includes, but is not limited to,~~ includes the proper compounding, labeling, packaging, and dispensing of a drug to a patient or the patient's agent, and administering a drug to a patient. The ~~practice of pharmacy~~ "practice of pharmacy" includes the application of the pharmacist's knowledge of pharmaceutics, pharmacology, pharmacokinetics, drug and food interactions, drug product selection, and patient counseling. ~~It also includes:~~ The "practice of pharmacy" also includes all of the following:

i. Dispensing contraceptives or dispensing and administering injectable hormonal contraceptives under Chapter 30P of Title 16.

Section 3. This Act is effective immediately and is to be implemented the earlier of the following:

(1) 1 year from the date of the Act's enactment.

(2) Notice by the Secretary of the Department of Health and Social Services published in the Register of Regulations that final regulations to implement this Act have been promulgated.

SYNOPSIS

This Act allows pharmacists to administer or dispense contraceptives under a standing order from the Division of Public Health. At least 11 states, the District of Columbia, and the U.S. Virgin Islands allow pharmacists to dispense contraceptives without a prescription from another health-care practitioner. This practice is supported by the American College of Obstetricians and Gynecologists.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Pinkney