A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Health Occupations Revision Act of 1985 to allow pharmacists to dispense certain contraceptives pursuant to established protocols, and to amend The Women's Health and Cancer Rights Federal Law Conformity Act of 2000 to require that a health benefit plan authorize the dispensing of up to a 12-month supply of a pharmacist-dispensed contraceptive.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Access to Contraceptives Amendment Act of 2016”.

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 et seq.), is amended as follows:

(a) Section 102(11)(A) (D.C. Official Code § 3-1201.02(11) is amended by striking the phrase “the compounding, dispensing, and labeling of drugs and devices;” and inserting the phrase “the compounding, dispensing, and labeling of drugs and devices, including self-administered hormonal contraceptives, as defined pursuant to section 5a(b)(1) of The Women's Health and

(b) Section 208 (D.C. Official Code § 3-1202.08) is amended by adding a new subsection (g-1) to read as follows: “

“(g-1)(1) A licensed pharmacist may dispense self-administered hormonal contraceptives without a prescription from a physician if certified to do so by the Board and pursuant to a written protocol established by the Board and the Board of Medicine.”

“(2) The standardized procedure or protocol shall require the following:

“(i) That the patient use a self-screening tool that will identify patient risk factors for the use of self-administered hormonal contraceptives, based on the current United States Medical Eligibility Criteria (USMEC) for Contraceptive Use developed by the Centers for Disease Control and Prevention; and

“(ii) That the pharmacist refer the patient to the patient’s primary care provider or, if the patient does not have a primary care provider, to a nearby clinic, upon dispensing a self-administered hormonal contraceptive pursuant to this subdivision, or if it is determined that use of a self-administered hormonal contraceptive is not recommended.”

“(3) The Board and the Board of Medicine, in consultation with the American Congress of Obstetricians and Gynecologists, shall jointly develop and promulgate regulations to implement the provisions of this subsection by October 1, 2017.”

Sec. 3. Section 5a of The Women’s Health and Cancer Rights Federal Law Conformity Act of 2000, effective April 3, 2001 (D.C. Law 13-254; D.C. Official Code § 31-3834.01), is amended as follows:

(a) Subsection (a) is amended by striking the word “covered”.
(b) Subsection (c) is amended to read as follows:

"(c) Any individual health plan or group health plan, health insurer offering health insurance coverage for prescription drugs, and health insurance coverage through Medicaid shall cover self-administered hormonal contraceptives dispensed by a pharmacist. This section shall not otherwise be construed to require additional coverage for contraceptives that are not covered under the health benefit plan."

Sec. 4. Fiscal impact statement.


Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.