

SENATE No. 1372

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve access to emergency contraception.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/23/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/23/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/23/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/25/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/25/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/1/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/8/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/8/2021</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>3/15/2021</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>3/25/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/25/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>4/9/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>4/29/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>6/8/2021</i>

SENATE No. 1372

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 1372) of Joseph A. Boncore, Mike Connolly, Jack Patrick Lewis, Christina A. Minicucci and other members of the General Court for legislation to improve access to emergency contraception. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to improve access to emergency contraception.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 19A of chapter 94C of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended in subsection (a), after the word “intercourse”, by inserting
3 the following words:--“, whether provided over-the-counter or by prescription”.

4 SECTION 2. Said Section 19A of said chapter 94C is further amended by striking out
5 subsections (b) and (c) inserting in place thereof the following 2 subsections:-

6 (b) The department shall ensure that a statewide standing order is issued to authorize the
7 dispensing of emergency contraception in the commonwealth by any licensed pharmacist. The
8 statewide standing order shall include, but not be limited to, written, standardized procedures or
9 protocols for the dispensing of emergency contraception by a licensed pharmacist.

10 Notwithstanding any general or special law to the contrary, the commissioner, or a physician
11 who is designated by the commissioner and is registered to distribute or dispense a controlled
12 substance in the course of professional practice under section 7, shall issue a statewide standing

13 order that may be used for a licensed pharmacist to dispense emergency contraception under this
14 section. Except for an act of gross negligence or willful misconduct, the commissioner or a
15 physician who issues said statewide standing order shall not be subject to any criminal or civil
16 liability or any professional disciplinary action related to said order.

17 (c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may
18 dispense emergency contraception in accordance with the statewide standing order issued under
19 subsection (b). Except for an act of gross negligence or willful misconduct, a pharmacist who,
20 acting in good faith, dispenses emergency contraception in accordance with said order shall not
21 be subject to any criminal or civil liability or any professional disciplinary action by the board of
22 registration in pharmacy related to the use or administration of emergency contraception.

23 SECTION 3. Subsection (d) of said section 19A of said chapter 94C, as so appearing in
24 the 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in
25 place thereof the following sentence:-

26 A pharmacist who dispenses emergency contraception shall annually report to the
27 department the number of emergency contraception doses dispensed, and the department shall
28 publish an annual report that includes aggregate information about the dispensing of emergency
29 contraception in the commonwealth.

30 SECTION 4. Section 21A of Chapter 272 of the General Laws is hereby amended by
31 inserting after the words “provided further, that”, the following word:- prescription.

32 SECTION 5. Section 21A of Chapter 272 of the General laws is hereby further amended
33 by striking out the fourth sentence and inserting in place thereof the following sentence:- This

34 section shall not be construed to permit the sale or dispensing of prescription drugs or devices for
35 the prevention of pregnancy or conception by a vending machine or similar device.