

SENATE, No. 2073

June 2, 2005

The committee on Public Health to whom was referred the petition (accompanied by bill, Senate, No. 1319 and House, No. 1643) relative to emergency contraception, reported, recommending that the same ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2073).

Susan C. Fargo ,
For the committee.

The Commonwealth of Massachusetts



In the Year Two Thousand and Five.

AN ACT TO PROVIDE TIMELY 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:*

SECTION 1.

Section 97B of chapter 41 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by inserting at the end of the second paragraph after line 23 the following sentence:—

Each kit shall include medically and factually accurate written information prepared by the commissioner of public health about emergency contraception.

SECTION 2. Section 70E of chapter 111 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by inserting after line 99 the following new paragraph:—

(o) to receive medically and factually accurate written information prepared by the commissioner of public health about emergency contraception; to be promptly offered emergency contraception; and to be provided with emergency contraception upon request, if the patient is a female rape victim of childbearing age.

SECTION 3. Section 70E of chapter 111 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by inserting after line 161 the following new paragraph:—

Every patient who is a female rape victim, who is of childbearing age and who presents at a facility after a sexual assault shall promptly be provided with medically and factually accurate written information about emergency contraception prepared by the commissioner of public health. A facility shall require all persons who provide care to victims of sexual assault to be provided with medically and factually accurate written information about emergency contraception prepared by the commissioner. Facilities that provide emergency care shall promptly offer emergency contraception at the facility to each female rape victim of childbearing age, and shall initiate emergency contraception upon her request.

SECTION 4. Chapter 94C of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by inserting the following new section :-

Section 19A. As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Emergency contraception," any drug approved by the Federal Drug Administration as a contraceptive method for use after sexual intercourse.

Notwithstanding any other provision of law, a licensed pharmacist may initiate emergency contraception drug therapy management in accordance with written, standardized procedures or protocols developed by an actively practicing physician registered with the commissioner to distribute or dispense a controlled substance in the course of professional practice pursuant to section 7 of this chapter, provided that such procedures or protocols are filed at the pharmacist's place of practice and with the board of registration of pharmacy before implementation.

Prior to initiating pharmacy emergency contraception drug therapy management authorized under this section, a pharmacist shall have completed a training program approved by the commissioner on emergency contraception, which training includes but is not limited to proper documentation, quality assurance, and referral to additional services, including appropriate recommendation that the patient follow-up with a medical practitioner.

The department of public health, board of registration in medicine, and board of registration in pharmacy shall promulgate regulations regarding the implementation of this section.