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LEGAL UPDATES

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# Proposed Regulation Permits Massachusetts Pharmacists to Prescribe Hormonal Contraceptives

During the October 11, 2023, Massachusetts Public Health Council Meeting, staff representing the Department of Public Health's Drug Control Program introduced proposed revisions to 105 CMR 700.000: *Implementation of M.G.L. c.94C*, which pertain to the prescribing and dispensing of hormonal contraceptives by pharmacists.

## Background

The proposed amendment is required to implement section 42 of chapter 28 of the Acts of 2023, which authorizes Massachusetts registered pharmacists to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to any person.

## Proposed Amendment

The proposed regulatory amendment adds a new subsection to 105 CMR 700.004(B) *Exemptions from Requirement to Register*, which will authorize pharmacists to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to any person, irrespective of evidence of a previous prescription for such medication. The regulation also requires pharmacists to comply with certain conditions prior to issuing any prescription for a hormonal contraceptive, including:

Complete a board-approved training program;

Provide a self-screening risk assessment tool prior to prescribing;

Refer, or advise the patient to consult with, a primary care provider or reproductive healthcare practitioner;

Provide the patient with a written record; and

Dispense the medication as soon as practicable after the prescription is issued.

### **Next Steps**

At the October 11 presentation, the Public Health Council directed the Department of Public Health to hold a public hearing on **Monday, November 6, 2023, at 1:30 pm**. This hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: 888-603-6976

Participant Passcode: 6938553

Written comments regarding these proposed amendments can be submitted electronically to Reg.Testimony@mass.gov or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108.

**All comments must be submitted by 5:00 p.m. Monday, November 6, 2023.** All comments received by the department may be released in response to a request for public records. Following the public hearing and comment period, staff will request approval of the final regulation at a later Public Health Council meeting.

### **Contact us**

For questions about this proposed change, please contact Crystal Bloom, Rebecca Rodman, or your Husch Blackwell attorney.