



General Assembly

January Session, 2023

Raised Bill No. 6818

LCO No. 4844



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING PATIENT ACCESS TO REPRODUCTIVE HEALTH CARE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2023*) As used in this section and
2 sections 2 to 5, inclusive, of this act:

3 (1) "Emergency contraception" means one or more prescription drugs
4 (A) used separately or in combination to prevent pregnancy, (B)
5 administered to or self-administered by a patient within a medically
6 recommended amount of time after sexual intercourse, (C) dispensed
7 for such purpose in accordance with professional standards of practice,
8 and (D) determined by the United States Food and Drug Administration
9 to be safe for such purpose;

10 (2) "Health care entity" means an entity that supervises, controls,
11 grants privileges to, directs the practice of or directly or indirectly
12 restricts the practice of a health care provider;

13 (3) "Health care provider" means a health care provider licensed,
14 certified or registered pursuant to title 20 of the general statutes who is
15 employed by or acting on behalf of a health care entity;

16 (4) "Medically accurate" means information that is verified or
17 supported by research in compliance with scientific methods, published
18 in peer-reviewed journals, where appropriate, and recognized as
19 accurate and objective by professional organizations and agencies with
20 expertise in the relevant field;

21 (5) "Medical device" means an instrument, apparatus, implement,
22 machine, contrivance, implant, in vitro reagent or other similar or
23 related article, including any component, part or accessory, that is
24 recognized in the official National Formulary or the United States
25 Pharmacopeia, or any supplement thereto, and prescribed or ordered by
26 a prescribing practitioner, as defined in section 20-571 of the general
27 statutes;

28 (6) "Pharmacist" means a pharmacist licensed pursuant to chapter
29 400j of the general statutes; and

30 (7) "Prescription drug" means a drug prescribed by a prescribing
31 practitioner, as defined in section 20-571 of the general statutes,
32 including, but not limited to, self-administered hormonal
33 contraceptives and emergency contraception.

34 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) If a health care provider is
35 acting in good faith, within the provider's scope of practice, education,
36 training and experience, including the provider's specialty areas of
37 practice and board certification, and within the accepted standard of
38 care, a health care entity may not limit the health care provider's
39 provision of the following:

40 (1) Medically accurate information and counseling to a patient
41 regarding the patient's health status, including, but not limited to,
42 diagnosis, prognosis, recommended treatment, treatment alternatives
43 and any potential risks to the patient's health or life; and

44 (2) Information about available and relevant services and resources
45 in the community and how to access such services and resources to
46 obtain health care of the patient's choosing.

47 (b) A health care entity may not discharge, demote, suspend,
48 discipline or otherwise discriminate against a health care provider for
49 providing information as described in subsection (a) of this section.

50 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) Except as provided in
51 subsection (b) of this section, if a health care provider is acting in good
52 faith, within the provider's scope of practice, education, training and
53 experience and within the accepted standard of care, a health care entity
54 may not prohibit the health care provider from providing any health
55 care service related to complications of pregnancy, including, but not
56 limited to, health services related to miscarriage management and
57 treatment for ectopic pregnancies, if the failure to provide such service
58 would violate the accepted standard of care or in cases in which there is
59 a serious risk to a patient's life or health.

60 (b) Nothing in subsection (a) of this section prohibits a health care
61 entity from limiting a health care provider's practice for purposes of the
62 following:

63 (1) Complying with preferred provider network or utilization review
64 requirements of any program or entity authorized by state or federal
65 law to provide insurance coverage for health care services to an enrollee;
66 or

67 (2) Ensuring quality control and patient safety, including when
68 quality control or patient safety issues are identified pursuant to peer
69 review.

70 (c) A health care entity may not discharge, demote, suspend,
71 discipline or otherwise discriminate against a health care provider for
72 providing a health care service pursuant to the provisions of this section.

73 Sec. 4. (NEW) (*Effective July 1, 2023*) (a) A pharmacist shall not
74 obstruct a patient in obtaining a prescription drug or medical device that
75 has been legally prescribed or ordered for such patient. A violation of
76 this section constitutes unprofessional conduct by a pharmacist and
77 shall subject the pharmacist to disciplinary or administrative action by

78 the Commission of Pharmacy pursuant to section 5 of this act.

79 (b) Notwithstanding any provision of title 19a or 20 of the general
80 statutes, a pharmacist shall dispense a prescription drug or medical
81 device pursuant to a lawful prescription or order unless one of the
82 following circumstances exists:

83 (1) Based solely on the pharmacist's professional training and
84 judgment, dispensing pursuant to the prescription or order is contrary
85 to law or the drug or device would cause a harmful drug interaction or
86 would otherwise adversely affect the patient's medical condition;

87 (2) The drug or device is not in stock, provided if a prescription or an
88 order cannot be dispensed because the drug or device is not in stock, the
89 pharmacist shall take one of the following actions:

90 (A) Immediately notify the patient and arrange for the drug or device
91 to be delivered to the site where the pharmacist is located or directly to
92 the patient in a timely manner;

93 (B) Promptly transfer the prescription or order to another pharmacy
94 known to stock the drug or device that is near enough to the site from
95 which the prescription or order is transferred to ensure the patient has
96 timely access to the drug or device; or

97 (C) Return the prescription or order to the patient and refer the
98 patient to another pharmacy, provided the pharmacist makes a
99 reasonable effort to refer the patient to a pharmacy that stocks the drug
100 or device that is near enough to the referring site to ensure that the
101 patient has timely access to the drug or device; or

102 (3) The pharmacist refuses on ethical, moral or religious grounds to
103 dispense a drug or device pursuant to a prescription or an order,
104 provided (A) the pharmacist previously notified the pharmacist's
105 employer, in writing, of the drug or device that the pharmacist objects
106 to dispensing, and (B) the pharmacist's employer has protocols in place
107 that ensure that the patient has timely access to the drug or device

108 despite the pharmacist's refusal to dispense the drug or device.

109 (c) Nothing in this section imposes any duty on a pharmacist to
110 dispense a prescription drug or medical device pursuant to a
111 prescription or an order without payment for the drug or device,
112 including payment directly by the patient or through a third-party
113 payer accepted by the pharmacist or payment of any required
114 copayment by the patient.

115 Sec. 5. (NEW) (*Effective July 1, 2023*) If a pharmacist violates any
116 provision of sections 2 to 4, inclusive, of this act, the Commission of
117 Pharmacy appointed under the provisions of section 20-572 of the
118 general statutes may (1) refuse to authorize the renewal of a license to
119 practice pharmacy, (2) revoke, suspend or place conditions on a license
120 to practice pharmacy, (3) assess a civil penalty of up to one thousand
121 dollars per violation, and (4) take other action permitted in subdivision
122 (7) of section 21a-7 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section
Sec. 4	<i>July 1, 2023</i>	New section
Sec. 5	<i>July 1, 2023</i>	New section

Statement of Purpose:

To protect patient access to reproductive health care.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]