



House of Representatives

General Assembly

File No. 301

January Session, 2023

House Bill No. 5197

House of Representatives, March 29, 2023

The Committee on Public Health reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT ALLOWING EMERGENCY CONTRACEPTION TO BE SOLD AND DISPENSED VIA VENDING MACHINES LOCATED AT INSTITUTIONS OF HIGHER EDUCATION.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section, (1)
2 "emergency contraception" means a drug, or a combination of drugs,
3 approved by the federal Food and Drug Administration to prevent
4 pregnancy as soon as possible following (A) unprotected sexual
5 intercourse, or (B) a known or suspected contraceptive failure, and (2)
6 "institution of higher education" has the same meaning as provided in
7 section 10a-34 of the general statutes.

8 (b) Emergency contraception may be sold in a vending machine,
9 which vending machine shall be (1) owned and operated by a business
10 that has obtained from the Department of Consumer Protection a permit
11 for each vending machine in which such business offers emergency
12 contraception for sale, and (2) located on the campus of an institution of
13 higher education in the state. If an applicant seeks to locate two or more

14 vending machines selling emergency contraception at a single campus
15 of an institution of higher education, only one permit to sell such
16 emergency contraception shall be required. Any person who is not
17 licensed as a pharmacy and wishes to sell emergency contraception in a
18 vending machine located on the campus of an institution of higher
19 education shall apply to the department, in a form and manner
20 prescribed by the Commissioner of Consumer Protection, to obtain a
21 permit to sell emergency contraception. Such emergency contraception
22 shall be labeled and packaged in accordance with state and federal law.

23 (c) (1) Each vending machine offering emergency contraception
24 pursuant to subsection (b) of this section shall be individually registered
25 with the department, and each application to register a vending
26 machine offering emergency contraception shall designate an
27 individual who shall be responsible for properly maintaining such
28 vending machine.

29 (2) Each person who registers a vending machine pursuant to
30 subdivision (1) of this subsection, and the individual designated as the
31 individual responsible for properly maintaining the registered vending
32 machine, shall ensure that such vending machine (A) maintains the
33 proper temperature and humidity for the emergency contraception
34 offered in such vending machine as required by the original
35 manufacturer of such emergency contraception, (B) only contains
36 emergency contraception that remains in the original containers
37 provided by the manufacturers of such emergency contraception, (C)
38 only offers emergency contraception that is unexpired and
39 unadulterated, (D) only offers emergency contraception that is not
40 subject to a recall and, if such emergency contraception is the subject of
41 a recall, such emergency contraception is promptly removed from such
42 vending machine, (E) only contains emergency contraception, (F) has a
43 clear and conspicuous written statement attached to such vending
44 machine disclosing the name, address and toll-free telephone number of
45 the owner and operator of such vending machine, (G) has a clear and
46 conspicuous written statement attached to such vending machine
47 advising a consumer to check the expiration date of the emergency

48 contraception contained in such vending machine before the consumer
 49 uses such emergency contraception, and (H) has attached to such
 50 vending machine, in a size and prominent location visible to consumers,
 51 a written notice stating "Product tampering or expired product? Notify
 52 the Department of Consumer Protection, Drug Control Division, by
 53 calling (telephone number of the toll-free telephone line established by
 54 the department pursuant to section 21a-2 of the general statutes)".

55 (d) Any person who violates any provision of this section shall be
 56 fined not more than one thousand dollars per violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Consumer Protection, Dept.	GF - Potential Cost	107,259	107,715
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	42,075	43,126
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows emergency contraception to be sold in vending machines on a higher education institution's campus resulting in a potential cost to the Department of Consumer Protection (DCP) of \$107,259 in FY 24 and \$107,715 in FY 25, along with corresponding fringe benefit potential costs of \$42,075 in FY 24 and \$43,126 in FY 25.

To meet the requirements of the bill DCP may have to hire one drug control agent depending on the number of permits issued, number of machines installed, and the number of complaints. If numerous machines are installed a drug control agent is needed perform inspections of the machines, manage complaints, and issue fines for violations.

To the extent permits are issued and a fee is charged there is a

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

potential revenue gain to the state.² The bill also creates a fine of up to \$1,000 for any violations resulting in a potential revenue gain to the state to the extent violations occur.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of permits issued, violations, and inflation.

² The bill does not specify a permit type, or an application fee associated with these vending machines.

OLR Bill Analysis**HB 5197*****AN ACT ALLOWING EMERGENCY CONTRACEPTION TO BE SOLD AND DISPENSED VIA VENDING MACHINES LOCATED AT INSTITUTIONS OF HIGHER EDUCATION.*****SUMMARY**

This bill allows emergency contraception to be sold in vending machines on a higher education institution's campus if they are owned and operated by a business that sells emergency contraception and has a Department of Consumer Protection (DCP) permit for each vending machine.

Under the bill, anyone who is not a licensed pharmacy that wishes to sell emergency contraception using a vending machine on a higher education institution's campus must apply to DCP to obtain a permit to do so. A business that wishes to locate multiple vending machines on a single campus must only obtain one permit. The contraception must be labeled and packaged as required by state and federal law.

Vending machines must be individually registered with DCP and each registration application must designate the person responsible for properly maintaining the vending machine. This person must ensure the vending machine:

1. maintains proper temperature and humidity as required by the emergency contraception's manufacturer;
2. contains only emergency contraception, which must be in the original manufacturer-provided containers;
3. only offers emergency contraception that is unexpired, unadulterated, and not subject to recall, and if it is recalled,

promptly removed; and

4. has clear and conspicuous written statements attached to it (a) advising consumers to check the contraception's expiration date before using it; (b) disclosing the name, address, and toll-free phone number of the vending machine's owner and operator; and (c) providing a DCP toll-free phone number to report a product that has expired or been tampered with.

The bill requires the latter statement to be in a size and prominent location visible to consumers and state the following:

"Product tampering or expired product? Notify the Department of Consumer Protection, Drug Control Division, by calling (telephone number of the toll-free telephone line established by the department pursuant to section 21a-2 of the general statutes)."

Lastly, the bill subjects violators of the bill's provisions to a fine of up to \$1,000 per violation.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Bills

sSB 171, favorably reported by the Public Health Committee, authorizes pharmacists to prescribe emergency or hormonal contraception to patients ages 16 or older, under certain conditions.

sHB 6768, favorably reported by the General Law Committee, authorizes pharmacists to prescribe emergency or hormonal contraception, under certain conditions.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 34 Nay 3 (03/20/2023)