



Number 20 of 2022

Health (Miscellaneous Provisions) (No. 2) Act 2022



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HEALTH (MISCELLANEOUS PROVISIONS) (NO. 2) ACT 2022

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[No. 20.]

Health (Miscellaneous Provisions) (No. 2) Act 2022.

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ACTS REFERRED TO

Health (Pricing and Supply of Medical Goods) Act 2013 (No. 14)

Health Act 1970 (No. 1)

Health Acts 1947 to 2020

Medical Practitioners Act 2007 (No. 25)

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Number 20 of 2022

HEALTH (MISCELLANEOUS PROVISIONS) (NO. 2) ACT 2022

An Act to provide for certain exemptions from charges for acute in-patient services; to provide for the making available without charge of contraception services to women who have attained the age of 17 years but have not attained the age of 26 years; to provide that the Minister for Health may by regulations prescribe a further age or further classes, by reference to years of age, of women in respect of whom contraception services shall also be made available; and, for the foregoing purposes, to amend the Health Act 1970 and the Health (Pricing and Supply of Medical Goods) Act 2013; and to provide for related matters. [18th July, 2022]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Health (Miscellaneous Provisions) (No. 2) Act 2022.
- (2) The Health Acts 1947 to 2020 and this Act (other than *section 7*) may be cited together as the Health Acts 1947 to 2022.
- (3) This Act shall come into operation on such day or days as the Minister for Health may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definition

2. In this Act, “Act of 1970” means the Health Act 1970.

PART 2

EXEMPTIONS FROM CHARGES FOR ACUTE IN-PATIENT SERVICES

Amendment of section 47A of Act of 1970

3. Section 47A of the Act of 1970 is amended by the insertion of “53C(9)(bb)” after “45A, 46,”.

Amendment of section 53C of Act of 1970

4. Section 53C of the Act of 1970 is amended, in subsection (9)—
- (a) by the insertion of the following paragraph after paragraph (a):

“(aa) a person in respect of whom a charge is made under section 55 in respect of in-patient services that constitute acute in-patient services,”
 - (b) by the insertion of the following paragraph after paragraph (ba):

“(bb) a person who is ordinarily resident in the State and has not attained the age of 16 years,”
 - (c) in paragraph (c), by the substitution of “without prejudice to the generality of paragraph (bb), a child” for “a child”, and
 - (d) in paragraph (d), by the substitution of “without prejudice to the generality of paragraph (bb), a child” for “a child”.

PART 3

PROVISION OF CONTRACEPTION SERVICES FOR CERTAIN WOMEN

Amendment of section 47A of Act of 1970

5. Section 47A of the Act of 1970 is amended by the substitution of “58B, 58D, 62A or 67E” for “58B, 58D or 62A”.

Contraception services for certain women

6. The Act of 1970 is amended by the insertion of the following section after section 67D:
- “67E.** (1) The Health Service Executive shall make available without charge contraception services for women who are ordinarily resident in the State—
- (a) who have attained the age of 17 years but not yet attained the age of 26 years, or
 - (b) who are within such class or classes of ages as may be prescribed by the Minister under subsection (5), and

such women shall, in this section, be referred to as ‘relevant women’.

- (2) Insofar as the contraception services relate to the provision of applicable services to a relevant woman, the relevant woman may choose to receive such services from any person who has entered into an agreement with the Health Service Executive for the provision of those services and who is willing to accept that woman as a patient.
- (3) Insofar as the contraception services relate to the provision of relevant products to a relevant woman, the relevant woman shall be entitled to receive a relevant product from a pharmacy provider.
- (4) Notwithstanding subsections (1) and (2), the following shall apply in respect of a woman who is ordinarily resident in the State (whether or not she falls within the definition of a relevant woman) and who has had a long-acting reversible contraceptive device fitted before she attained the age of 26 years (or such other age as may be prescribed by the Minister under subsection (5)), namely:
 - (a) the woman concerned may, notwithstanding that she has attained the age of 26 years (or such other age as may be prescribed by the Minister under subsection (5)), choose to seek the removal of such device by any person who has entered into an agreement with the Health Service Executive for the provision of contraception services and who is willing to accept her as a patient;
 - (b) the Health Service Executive shall, in respect of that woman, make available such removal without charge.
- (5) Subject to subsection (6), the Minister, after consultation with the Minister for Public Expenditure and Reform, may, for the purposes of subsection (1)(b) and subsection (4), by regulation prescribe such further age or class or classes of ages in respect of women to whom the contraception services referred to in subsections (1) and (4) shall be made available under this section.
- (6) In making regulations under subsection (5), the Minister shall not prescribe an age under the age of 17 years.
- (7) The Minister may, with the consent of the Minister for Public Expenditure and Reform, by regulation prescribe the amount or the rate of payment to be made to—
 - (a) scheme providers in respect the provision of applicable services by them under agreements referred to in subsection (2), or
 - (b) pharmacy providers in respect of the dispensing of relevant products by them under this section.
- (8) Regulations made under subsection (7) may prescribe different amounts or rates—

- (a) in respect of different contraception services or different classes of contraception services, or in respect of the provision of contraception services or different classes of contraception services to different classes of relevant women, or
 - (b) in respect of different scheme providers or pharmacy providers or different classes of scheme providers or pharmacy providers.
- (9) Regulations under this section may contain such incidental, supplementary, consequential or transitional provisions as appear to the Minister to be necessary for the purposes of the regulations.
- (10) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it has been made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- (11) In this section—
- ‘Act of 2013’ means the Health (Pricing and Supply of Medical Goods) Act 2013;
- ‘applicable services’ means—
- (a) such number of consultations with a scheme provider required by a relevant woman in a year for the purposes of obtaining a prescription for accessing relevant products, and
 - (b) the fitting (including such further follow-up consultation as is necessary) and removal by a scheme provider of a long-acting reversible contraceptive device;
- ‘contraception services’, means, in relation to a relevant woman—
- (a) applicable services, or
 - (b) relevant products,
- or both, made available without charge under this section;
- ‘pharmacy provider’ means a retail pharmacy business (within the meaning of section 2(1) of the Pharmacy Act 2007) who has entered into an agreement with the Health Service Executive for the dispensing of relevant products;
- ‘registered medical practitioner’ has the same meaning as it has in section 2 of the Medical Practitioners Act 2007;
- ‘relevant products’, subject to sections 20 and 23 of the Act of 2013, means contraceptive drugs, medicines and products (including

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long-acting reversible contraceptive devices and emergency contraceptives) for the time being—

- (a) standing approved by the Health Service Executive, or
- (b) on the Reimbursement List within the meaning of section 2(1) of the Act of 2013;

‘scheme provider’ means a registered medical practitioner who has entered into an agreement with the Health Service Executive for the provision of applicable services.”.

Amendment of Health (Pricing and Supply of Medical Goods) Act 2013

7. The Health (Pricing and Supply of Medical Goods) Act 2013 is amended—

- (a) in section 20—
 - (i) in subsection (1), by the substitution of “section 59, 62A or 67E” for “section 59 or 62A”,
 - (ii) in subsection (2), by the substitution of “section 59, 62A or 67E” for “section 59 or 62A”, and
 - (iii) in subsection (3), by the substitution of “section 59, 62A or 67E” for “section 59 or 62A”,
- and
- (b) in section 23, by the substitution of “section 59, 62A or 67E” for “section 59 or 62A”.