STATE OF NEW YORK

1060

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. PAULIN, THIELE, COOK, RIVERA, SEAWRIGHT, DINOWITZ, BICHOTTE HERMELYN, BARRETT, KELLES, HEVESI, GONZALEZ-ROJAS, SILLITTI, DICKENS, REYES, MAMDANI, ROZIC, EPSTEIN, JACKSON, STECK, L. ROSENTHAL, CARROLL, BURDICK, SIMON, BURGOS, LUNSFORD, GALLAGHER, LAVINE, CLARK, GLICK, OTIS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the dispensing of self-administered hormonal contraceptives

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 6527 of the education law is amended by adding a new subdivision 11 to read as follows:

11. A licensed physician may prescribe and order a non-patient specific regimen to a pharmacist licensed and located in the state, pursuant to regulations promulgated by the commissioner, and consistent with section sixty-eight hundred one of this title, for dispensing self-administered hormonal contraceptives as defined in section sixty-eight hundred two of this title.

§ 2. Section 6802 of the education law is amended by adding a new subdivision 29 to read as follows:

29. "Self-administered hormonal contraceptives", for the purpose of section sixty-eight hundred one of this article, means self-administered contraceptive medications or devices approved by the federal Food and Drug Administration to prevent pregnancy by using hormones to regulate or prevent ovulation, and includes oral hormonal contraceptives, hormonal contraceptive vaginal rings and hormonal contraceptive patches.

§ 3. Section 6801 of the education law is amended by adding a new subdivision 9 to read as follows:

9. a. A pharmacist licensed and located in the state may dispense a non-patient specific regimen of self-administered hormonal contraceptives, prescribed or ordered by a licensed physician or certified nurse

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD02138-02-3

practitioner or the commissioner of health, pursuant to rules and regulations promulgated by the commissioner, in accordance with the provisions of this subdivision.

b. Prior to dispensing self-administered hormonal contraceptives to a patient, and at a minimum of every twelve months for each returning patient, the pharmacist shall:

(i) provide the patient with a self-screening risk assessment questionnaire, developed by the commissioner of health in consultation with the commissioner and made available in English by covered pharmacies as defined in subdivision one of section sixty-eight hundred twenty-nine of this article in the pharmacy primary languages as defined in paragraph (e) of subdivision one of section sixty-eight hundred twenty-nine of this article, to be utilized and assessed by the pharmacist to assist the patient in selecting an appropriate self-administered hormonal contraceptive; and

(ii) provide the patient with a fact sheet, developed by the commissioner of health and made available in English and by covered pharmacies as defined in subdivision one of section sixty-eight hundred twenty-nine of this article in the pharmacy primary languages as defined in paragraph (e) of subdivision one of section sixty-eight hundred twenty-nine of this article, that includes but is not limited to, the clinical considerations and recommendations for use of the self-administered hormonal contraceptive, the appropriate method for using such hormonal contraceptive, information on the importance of follow-up health care, health care referral information, and the ability of the patient to opt out of practitioner reporting requirements.

c. The commissioner may require pharmacists to undergo training related to the provisions of this subdivision.

d. A pharmacist shall notify the patient's primary health care practitioner, unless the patient opts out of such notification, within seventy-two hours of dispensing a self-administered hormonal contraceptive, that such self-administered hormonal contraceptive has been dispensed. If the patient does not have a primary health care practitioner, or is unable to provide contact information for their primary health care practitioner, the pharmacist shall provide the patient with a written record of the contraceptives dispensed, and advise the patient to consult an appropriate health care practitioner.

e. Nothing in this subdivision shall prevent a pharmacist from refusing to dispense a non-patient specific regimen of self-administered hormonal contraceptive pursuant to this subdivision if, in their professional judgment, potential adverse effects, interactions or other therapeutic complications could endanger the health of the patient.

§ 4. Section 6909 of the education law is amended by adding a new subdivision 11 to read as follows:

11. A certified nurse practitioner may prescribe and order a non-patient specific regimen to a pharmacist licensed and located in the state, pursuant to regulations promulgated by the commissioner, and consistent with section sixty-eight hundred one of this title, for dispensing self-administered hormonal contraceptives as defined in section sixty-eight hundred two of this title.

§ 5. This act shall take effect eighteen months after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.