

STATE OF NEW YORK

6835

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. PAULIN, SEAWRIGHT, GLICK, GONZALEZ-ROJAS, SIMON, THIELE, AUBRY, LEVENBERG, SHRESTHA, ARDILA -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law, the education law and the insurance law, in relation to the dispensing of abortion medication

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

1 Section 1. The public health law is amended by adding a new section
2 267-a to read as follows:

3 § 267-a. Abortion medication. The commissioner is authorized to estab-
4 lish a non-patient specific order, consistent with sections sixty-eight
5 hundred one and sixty-nine hundred two of the education law, for
6 dispensing abortion medication as defined in section sixty-eight hundred
7 two of the education law.

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

10 11. A licensed physician may prescribe and order a non-patient specif-
11 ic order to a registered professional nurse or pharmacist licensed and
12 located in this state, pursuant to regulations promulgated by the
13 commissioner, and consistent with section sixty-eight hundred one of
14 this title, for dispensing abortion medication as defined in section
15 sixty-eight hundred two of this title.

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

18 29. "Abortion medication" means any medication approved by the federal
19 Food and Drug Administration for the purposes of inducing abortion or
20 expelling a miscarriage.

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

23 9. (a) A licensed pharmacist may execute a non-patient specific order
24 for the dispensing of abortion medication prescribed or ordered by the

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

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1 commissioner of health, a licensed midwife, a physician licensed in this
2 state, or a nurse practitioner certified in this state pursuant to rules
3 and regulations promulgated by the commissioner.

4 (b) Prior to dispensing abortion medication to a patient, the pharma-
5 cist shall:

6 (i) provide the patient with a self-screening risk assessment ques-
7 tionnaire, developed by the commissioner of health in consultation with
8 the commissioner, to be reviewed by the pharmacist to identify any known
9 risk factors; and

10 (ii) provide the patient with a fact sheet, developed by the commis-
11 sioner of health that includes but is not limited to, the clinical
12 considerations and recommendations for use of abortion medication, the
13 appropriate method for using abortion medication, information on the
14 importance of follow-up health care, health care referral information,
15 and the ability of the patient to opt out of practitioner reporting
16 requirements.

17 (c) No pharmacist shall dispense abortion medication under this subdivi-
18 sion without receiving training satisfactory to the commissioner.

19 (d) A pharmacist shall notify the patient's primary health care prac-
20 titioner, unless the patient opts out of such notification, within
21 seventy-two hours of dispensing abortion medication, that such medica-
22 tion has been dispensed. If the patient does not have a primary health
23 care practitioner or is unable to provide contact information for their
24 primary health care practitioner, the pharmacist shall provide the
25 patient with a written record of the abortion medication dispensed, and
26 advise the patient to consult an appropriate health care practitioner.

27 (e) Nothing in this subdivision shall prevent a pharmacist from refus-
28 ing to dispense a non-patient specific order of abortion medication
29 pursuant to this subdivision if, in their professional judgment, poten-
30 tial adverse effects, interactions or other therapeutic complications
31 could endanger the health of the patient.

32 § 5. Section 6902 of the education law is amended by adding a new
33 subdivision 4 to read as follows:

34 4. (a) A registered professional nurse may execute a non-patient
35 specific order for the dispensing of abortion medication, as defined in
36 section sixty-eight hundred two of this title, prescribed or ordered by
37 the commissioner of health, a licensed midwife, a physician licensed in
38 this state, or a nurse practitioner certified in this state pursuant to
39 rules and regulations promulgated by the commissioner.

40 (b) Prior to dispensing abortion medication to a patient, a registered
41 professional nurse shall:

42 (i) provide the patient with a self-screening risk assessment ques-
43 tionnaire, developed by the commissioner of health in consultation with
44 the commissioner, to be reviewed by the registered professional nurse to
45 identify any known risk factors; and

46 (ii) provide the patient with a fact sheet, developed by the commis-
47 sioner of health that includes but is not limited to, the clinical
48 considerations and recommendations for use of abortion medication, the
49 appropriate method for using abortion medication, information on the
50 importance of follow-up health care, health care referral information,
51 and the ability of the patient to opt out of practitioner reporting
52 requirements.

53 (c) No registered professional nurse shall dispense abortion medica-
54 tion under this subdivision without receiving training satisfactory to
55 the commissioner.

1 (d) A registered professional nurse shall notify the patient's primary
2 health care practitioner, unless the patient opts out of such notifica-
3 tion, within seventy-two hours of dispensing abortion medication, that
4 such medication has been dispensed. If the patient does not have a
5 primary health care practitioner or is unable to provide contact infor-
6 mation for their primary health care practitioner, the registered
7 professional nurse shall provide the patient with a written record of
8 the abortion medication dispensed, and advise the patient to consult an
9 appropriate health care practitioner.

10 (e) Nothing in this subdivision shall prevent a registered profes-
11 sional nurse from refusing to dispense a non-patient specific order of
12 abortion medication pursuant to this subdivision if, in their profes-
13 sional judgment, potential adverse effects, interactions or other thera-
14 peutic complications could endanger the health of the patient.

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

17 11. A certified nurse practitioner may prescribe and order a non-pa-
18 tient specific order to a registered professional nurse or pharmacist
19 licensed and located in this state, pursuant to regulations promulgated
20 by the commissioner, and consistent with sections sixty-eight hundred
21 one and sixty-nine hundred two of this title, for dispensing abortion
22 medication as defined in section sixty-eight hundred two of this title.

23 § 7. Section 6951 of the education law is amended by adding a new
24 subdivision 4 to read as follows:

25 4. A licensed midwife may prescribe and order a non-patient specific
26 order to a registered professional nurse or pharmacist licensed and
27 located in this state, pursuant to regulations promulgated by the
28 commissioner and consistent with section sixty-eight hundred one and
29 section sixty-nine hundred two of this title, for dispensing abortion
30 medication as defined in section sixty-eight hundred two of this title.

31 § 8. Section 3216 of the insurance law is amended by adding a new
32 subsection (n) to read as follows:

33 (n) Any policy under this article that covers contraception when
34 provided pursuant to a prescription shall cover abortion medication as
35 defined in subdivision twenty-nine of section sixty-eight hundred two of
36 the education law, when provided pursuant to an ordinary prescription or
37 order under section sixty-eight hundred one or sixty-nine hundred two of
38 the education law and when lawfully provided other than through a
39 prescription or order.

40 § 9. Section 3221 of the insurance law is amended by adding a new
41 subsection (u) to read as follows:

42 (u) Any policy under this article that covers contraception when
43 provided pursuant to a prescription, shall cover abortion medication as
44 defined in subdivision twenty-nine of section sixty-eight hundred two of
45 the education law, when provided pursuant to an ordinary prescription or
46 order under section sixty-eight hundred one or sixty-nine hundred two of
47 the education law and when lawfully provided other than through a
48 prescription or order.

49 § 10. Section 4303 of the insurance law is amended by adding a new
50 subsection (vv) to read as follows:

51 (vv) Any policy under this article that covers contraception when
52 provided pursuant to a prescription, shall cover abortion medication as
53 defined in subdivision twenty-nine of section sixty-eight hundred two of
54 the education law, when provided pursuant to an ordinary prescription or
55 order under section sixty-eight hundred one or sixty-nine hundred two of

1 the education law and when lawfully provided other than through a
2 prescription or order.

3 § 11. This act shall take effect eighteen months after it shall have
4 become a law; provided, however, that sections eight, nine and ten of
5 this act shall apply to policies and contracts issued, renewed, modi-
6 fied, altered or amended on or after such effective date. Effective
7 immediately, the addition, amendment and/or repeal of any rule or regu-
8 lation necessary for the implementation of this act on its effective
9 date are authorized to be made and completed on or before such effective
10 date.