

STATE OF NEW YORK

1043

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed 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:

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

3 11. A licensed physician may prescribe and order a non-patient specif-
4 ic regimen to a pharmacist licensed and located in the state, pursuant
5 to regulations promulgated by the commissioner, and consistent with
6 section sixty-eight hundred one of this title, for dispensing self-ad-
7 ministered hormonal contraceptives as defined in section sixty-eight
8 hundred two of this title.

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

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

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

19 9. a. A pharmacist licensed and located in the state may dispense a
20 non-patient specific regimen of self-administered hormonal contracep-
21 tives, prescribed or ordered by a licensed physician or certified nurse
22 practitioner or the commissioner of health, pursuant to rules and regu-
23 lations promulgated by the commissioner, in accordance with the
24 provisions of this subdivision.

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

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

4 (i) provide the patient with a self-screening risk assessment ques-
5 tionnaire, developed by the commissioner of health in consultation with
6 the commissioner and made available in English by covered pharmacies as
7 defined in subdivision one of section sixty-eight hundred twenty-nine
8 of this article in the pharmacy primary languages as defined in para-
9 graph (e) of subdivision one of section sixty-eight hundred twenty-nine
10 of this article, to be utilized and assessed by the pharmacist to assist
11 the patient in selecting an appropriate self-administered hormonal
12 contraceptive; and

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

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

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

35 e. Nothing in this subdivision shall prevent a pharmacist from refus-
36 ing to dispense a non-patient specific regimen of self-administered
37 hormonal contraceptive pursuant to this subdivision if, in their profes-
38 sional judgment, potential adverse effects, interactions or other thera-
39 peutic complications could endanger the health of the patient.

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

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

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