STATE OF NEW YORK

7691

2023-2024 Regular Sessions

IN SENATE

October 10, 2023

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

§ 2. 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 order to a registered professional nurse or pharmacist licensed and located in this state, pursuant to regulations promulgated by the commissioner, and consistent with section sixty-eight hundred one of this title, for dispensing abortion medication as defined in section sixty-eight hundred two of this title.

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

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

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

9. (a) A licensed pharmacist may execute a non-patient specific order for the dispensing of abortion medication prescribed or ordered by the commissioner of health, a licensed midwife, a physician licensed in this

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

LBD06982-03-3

state, or a nurse practitioner certified in this state pursuant to rules and regulations promulgated by the commissioner.

(b) Prior to dispensing abortion medication to a 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, to be reviewed by the pharmacist to identify any known risk factors; and

(ii) provide the patient with a fact sheet, developed by the commissioner of health that includes but is not limited to, the clinical considerations and recommendations for use of abortion medication, the appropriate method for using abortion medication, 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) No pharmacist shall dispense abortion medication under this subdivision without receiving training satisfactory to the commissioner.

(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 abortion medication, that such medication 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 abortion medication 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 order of abortion medication pursuant to this subdivision if, in their professional judgment, potential adverse effects, interactions or other therapeutic complications could endanger the health of the patient.

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

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

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

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

(ii) provide the patient with a fact sheet, developed by the commissioner of health that includes but is not limited to, the clinical considerations and recommendations for use of abortion medication, the appropriate method for using abortion medication, 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) No registered professional nurse shall dispense abortion medication under this subdivision without receiving training satisfactory to the commissioner.

(d) A registered professional nurse shall notify the patient's primary health care practitioner, unless the patient opts out of such notifica-

tion, within seventy-two hours of dispensing abortion medication, that such medication 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 registered professional nurse shall provide the patient with a written record of the abortion medication dispensed, and advise the patient to consult an appropriate health care practitioner.

(e) Nothing in this subdivision shall prevent a registered professional nurse from refusing to dispense a non-patient specific order of abortion medication pursuant to this subdivision if, in their professional judgment, potential adverse effects, interactions or other therapeutic complications could endanger the health of the patient.

§ 6. 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 order to a registered professional nurse or pharmacist licensed and located in this state, pursuant to regulations promulgated by the commissioner, and consistent with sections sixty-eight hundred one and sixty-nine hundred two of this title, for dispensing abortion medication as defined in section sixty-eight hundred two of this title.

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

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

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

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

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

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

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

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

§ 11. This act shall take effect eighteen months after it shall have become a law; provided, however, that sections eight, nine and ten of this act shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date. 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.