STATE OF NEW YORK

1043--A

Cal. No. 153

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. STAVISKY, BROUK, FERNANDEZ, HOYLMAN-SIGAL, KENNEDY, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law and the public health 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 order 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 licensed pharmacist may execute a non-patient specific order for the dispensing of self-administered hormonal contraceptives prescribed or ordered by the commissioner of health, a physician

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

LBD02138-04-3

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 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, to be reviewed by the pharmacist to identify any known risk factors and assist the patient's selection of an appropriate self-administered hormonal contraceptive; 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 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. No pharmacist shall dispense self-administered hormonal contraceptives 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 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 order 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 order 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. The public health law is amended by adding a new section 267-a to read as follows:

§ 267-a. Self-administered hormonal contraceptives. The commissioner is authorized to establish a non-patient specific order, consistent with section sixty-eight hundred one of the education law, for dispensing self-administered hormonal contraceptives as defined in section sixty-eight hundred two of such chapter.

§ 6. 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.