

# 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:

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 specific  
4 order to a pharmacist licensed and located in the state, pursuant to  
5 regulations promulgated by the commissioner, and consistent with section  
6 sixty-eight hundred one of this title, for dispensing self-administered  
7 hormonal contraceptives as defined in section sixty-eight hundred two of  
8 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, hormonal  
16 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 licensed pharmacist may execute a non-patient specific order  
20 for the dispensing of self-administered hormonal contraceptives  
21 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.

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

3 b. Prior to dispensing self-administered hormonal contraceptives to a  
4 patient, and at a minimum of every twelve months for each returning  
5 patient, the pharmacist 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 assist the patient's selection of an appropriate self-  
10 administered hormonal contraceptive; and

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

18 c. No pharmacist shall dispense self-administered hormonal contracep-  
19 tives under this subdivision without receiving training satisfactory to  
20 the commissioner.

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

30 e. Nothing in this subdivision shall prevent a pharmacist from refus-  
31 ing to dispense a non-patient specific order of self-administered  
32 hormonal contraceptive pursuant to this subdivision if, in their profes-  
33 sional judgment, potential adverse effects, interactions or other thera-  
34 peutic complications could endanger the health of the patient.

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

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

43 § 5. The public health law is amended by adding a new section 267-a to  
44 read as follows:

45 § 267-a. Self-administered hormonal contraceptives. The commissioner  
46 is authorized to establish a non-patient specific order, consistent with  
47 section sixty-eight hundred one of the education law, for dispensing  
48 self-administered hormonal contraceptives as defined in section sixty-  
49 eight hundred two of such chapter.

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