STATE OF NEW YORK

5635--A

2023-2024 Regular Sessions

IN SENATE

March 10, 2023

Introduced by Sens. WEBB, ADDABBO, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to authorizing pharmacists to administer injections for contraceptive use

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

Section 1. Subdivision 11 of section 6527 of the education law, as added by chapter 128 of the laws of 2023, is amended 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 **or administering a United States Food and Drug Administration approved reversible progestin-only contraceptive injection** as defined in section sixty-eight hundred two of this title.

§ 2. Subdivision 9 of section 6801 of the education law, as added by chapter 128 of the laws of 2023, is amended to read as follows:

9. a. A licensed pharmacist may execute a non-patient specific order for the dispensing of self-administered hormonal contraceptives **or administer a United States Food and Drug Administration reversible progestin-only contraceptive injection** prescribed or ordered by the commissioner of health, 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 self-administered hormonal contraceptives **or administering a United States Food and Drug Administration reversible**

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

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progestin-only contraceptive injection 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 or United States Food and Drug Administration reversible progestin-only contraceptive injection; 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 or administration of a United States Food and Drug Administration reversible progestin-only contraceptive injection, 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 or administer a United States Food and Drug Administration reversible progestin-only contraceptive injection 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 or administration of a United States Food and Drug Administration reversible progestin-only contraceptive injection, that such self-administered hormonal contraceptive or United States Food and Drug Administration reversible progestin-only contraceptive injection has been dispensed or administered. 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 or administration of a United States Food and Drug Administration reversible progestin-only contraceptive injection pursuant to this subdivision if, in their professional judgment, potential adverse effects, interactions or other therapeutic complications could endanger the health of the patient.

§ 3. Section 6802 of the education law is amended by adding a new subdivision 30 to read as follows:

30. "United States Food and Drug Administration reversible progestin-only contraceptive injection" for the purposes of section sixty-eight hundred one of this article, means a pharmacist administered reversible progestin-only contraceptive injection approved by the United States Food and Drug Administration to prevent pregnancy by using hormones to regulate or prevent ovulation.

§ 4. Subdivision 11 of section 6909 of the education law, as added by chapter 128 of the laws of 2023, is amended 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 or administration of a United States Food and Drug Administration approved reversible progestin-only

contraceptive injection as defined in section sixty-eight hundred two of this title.

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

§ 267-b. Pharmacist administered reversible progestin-only contraceptive injections. The commissioner is authorized to establish a non-patient specific order, consistent with section sixty-eight hundred one of the education law, for dispensing and for the administration of United States Food and Drug Administration reversible progestin-only contraceptive injection as defined in section sixty-eight hundred two of such chapter.

§ 6. This act shall take effect one year after it shall have become a law; provided however, that the amendments to sections 6527, 6801 and 6909 of the education law made by sections one, two and four of this act shall take effect on the same date and in the same manner as chapter 128 of the laws of 2023, takes effect.

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.