

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:

1 Section 1. The public health law is amended by adding a new section
2 267-a to read as follows:

3 § 267-a. Abortion medication. The commissioner is authorized to estab-
4 lish a non-patient specific order, consistent with sections sixty-eight
5 hundred one and sixty-nine hundred two of the education law, for
6 dispensing abortion medication as defined in section sixty-eight hundred
7 two of the education law.

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

10 11. A licensed physician may prescribe and order a non-patient specif-
11 ic order to a registered professional nurse or pharmacist licensed and
12 located in this state, pursuant to regulations promulgated by the
13 commissioner, and consistent with section sixty-eight hundred one of
14 this title, for dispensing abortion medication as defined in section
15 sixty-eight hundred two of this title.

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

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

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

23 9. (a) A licensed pharmacist may execute a non-patient specific order
24 for the dispensing of abortion medication prescribed or ordered by the
25 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

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

3 (b) Prior to dispensing abortion medication to a patient, the pharma-
4 cist shall:

5 (i) provide the patient with a self-screening risk assessment ques-
6 tionnaire, developed by the commissioner of health in consultation with
7 the commissioner, to be reviewed by the pharmacist to identify any known
8 risk factors; and

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

16 (c) No pharmacist shall dispense abortion medication under this subdivi-
17 sion without receiving training satisfactory to the commissioner.

18 (d) A pharmacist shall notify the patient's primary health care prac-
19 titioner, unless the patient opts out of such notification, within
20 seventy-two hours of dispensing abortion medication, that such medica-
21 tion has been dispensed. If the patient does not have a primary health
22 care practitioner or is unable to provide contact information for their
23 primary health care practitioner, the pharmacist shall provide the
24 patient with a written record of the abortion medication dispensed, and
25 advise the patient to consult an appropriate health care practitioner.

26 (e) Nothing in this subdivision shall prevent a pharmacist from refus-
27 ing to dispense a non-patient specific order of abortion medication
28 pursuant to this subdivision if, in their professional judgment, poten-
29 tial adverse effects, interactions or other therapeutic complications
30 could endanger the health of the patient.

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

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

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

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

45 (ii) provide the patient with a fact sheet, developed by the commis-
46 sioner of health that includes but is not limited to, the clinical
47 considerations and recommendations for use of abortion medication, the
48 appropriate method for using abortion medication, information on the
49 importance of follow-up health care, health care referral information,
50 and the ability of the patient to opt out of practitioner reporting
51 requirements.

52 (c) No registered professional nurse shall dispense abortion medica-
53 tion under this subdivision without receiving training satisfactory to
54 the commissioner.

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

1 tion, within seventy-two hours of dispensing abortion medication, that
2 such medication has been dispensed. If the patient does not have a
3 primary health care practitioner or is unable to provide contact infor-
4 mation for their primary health care practitioner, the registered
5 professional nurse shall provide the patient with a written record of
6 the abortion medication dispensed, and advise the patient to consult an
7 appropriate health care practitioner.

8 (e) Nothing in this subdivision shall prevent a registered profes-
9 sional nurse from refusing to dispense a non-patient specific order of
10 abortion medication pursuant to this subdivision if, in their profes-
11 sional judgment, potential adverse effects, interactions or other thera-
12 peutic complications could endanger the health of the patient.

13 § 6. Section 6909 of the education law is amended by adding a new
14 subdivision 11 to read as follows:

15 11. A certified nurse practitioner may prescribe and order a non-pa-
16 tient specific order to a registered professional nurse or pharmacist
17 licensed and located in this state, pursuant to regulations promulgated
18 by the commissioner, and consistent with sections sixty-eight hundred
19 one and sixty-nine hundred two of this title, for dispensing abortion
20 medication as defined in section sixty-eight hundred two of this title.

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

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

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

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

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

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

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

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

1 § 11. This act shall take effect eighteen months after it shall have
2 become a law; provided, however, that sections eight, nine and ten of
3 this act shall apply to policies and contracts issued, renewed, modi-
4 fied, altered or amended on or after such effective date. Effective
5 immediately, the addition, amendment and/or repeal of any rule or regu-
6 lation necessary for the implementation of this act on its effective
7 date are authorized to be made and completed on or before such effective
8 date.