

STATE OF NEW YORK

1172

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. PAULIN, SEAWRIGHT, GLICK, GONZALEZ-ROJAS, SIMON, LEVENBERG, SHRESTHA, SHIMSKY, SIMONE, EPSTEIN, BURDICK, TAPIA, BORES, REYES, CLARK, ROSENTHAL, RAGA, STERN, SAYEGH, FORREST -- read once and referred to the Committee on Higher Education

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-c to read as follows:

§ 267-c. 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 12 to read as follows:

12. 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 31 to read as follows:

31. "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 10 to read as follows:

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

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1 10. (a) A licensed pharmacist may execute a non-patient specific order
2 for the dispensing of abortion medication prescribed or ordered by the
3 commissioner of health, a licensed midwife, a physician licensed in this
4 state, or a nurse practitioner certified in this state pursuant to rules
5 and regulations promulgated by the commissioner.

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

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

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

19 (c) No pharmacist shall dispense abortion medication under this subdi-
20 vision without receiving training satisfactory to the commissioner.

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

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

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

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

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

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

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

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

4 (d) A registered professional nurse shall notify the patient's primary
5 health care practitioner, unless the patient opts out of such notifica-
6 tion, within seventy-two hours of dispensing abortion medication, that
7 such medication has been dispensed. If the patient does not have a
8 primary health care practitioner or is unable to provide contact infor-
9 mation for their primary health care practitioner, the registered
10 professional nurse shall provide the patient with a written record of
11 the abortion medication dispensed, and advise the patient to consult an
12 appropriate health care practitioner.

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

18 § 6. Section 6909 of the education law is amended by adding a new
19 subdivision 12 to read as follows:

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

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

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

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

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

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

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

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

54 (xx) Any policy under this article that covers contraception when
55 provided pursuant to a prescription, shall cover abortion medication as
56 defined in subdivision thirty-one of section sixty-eight hundred two of

1 the education law, when provided pursuant to an ordinary prescription or
2 order under section sixty-eight hundred one or sixty-nine hundred two of
3 the education law and when lawfully provided other than through a
4 prescription or order.

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