

STATE OF NEW YORK

10467

IN SENATE

May 15, 2026

Introduced by Sen. BOTTCHEr -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing pharmacists to dispense HIV pre-exposure and post-exposure prophylaxis

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

1 Section 1. Subdivision 7-a of section 6527 of the education law, as
2 added by chapter 502 of the laws of 2016, is amended to read as follows:

3 7-a. A licensed physician may prescribe and order a patient specific
4 order or non-patient specific order to a licensed pharmacist, pursuant
5 to regulations promulgated by the commissioner in consultation with the
6 commissioner of health, and consistent with the public health law, for
7 dispensing up to a seven day starter pack of HIV post-exposure prophylaxis
8 for the purpose of preventing human immunodeficiency virus
9 infection following a potential human immunodeficiency virus exposure. A
10 licensed physician may also prescribe and order a patient specific or
11 non-patient specific order to a licensed pharmacist, pursuant to regulations
12 promulgated by the commissioner in consultation with the commissioner
13 of health, and consistent with the public health law and section
14 sixty-eight hundred one of this title, for HIV pre-exposure prophylaxis,
15 provided, however, that the regulations promulgated pursuant to this
16 subdivision shall require that the HIV pre-exposure prophylaxis authorized
17 to be dispensed by a licensed pharmacist shall provide for at least
18 a thirty-day, but no more than a sixty-day, supply of such prophylaxis.

19 § 2. Subdivision 8 of section 6909 of the education law, as added by
20 chapter 502 of the laws of 2016, is amended to read as follows:

21 [~~8-~~] 12. A certified nurse practitioner may prescribe and order a
22 patient specific order or non-patient specific order to a licensed pharmacist,
23 pursuant to regulations promulgated by the commissioner in
24 consultation with the commissioner of health, and consistent with the
25 public health law, for dispensing up to a seven day starter pack of HIV
26 post-exposure prophylaxis for the purpose of preventing human immunodeficiency
27 virus infection following a potential human immunodeficiency
28 virus exposure. A certified nurse practitioner may also prescribe and

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

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1 order a patient specific or non-patient specific order to a licensed
2 pharmacist, pursuant to regulations promulgated by the commissioner in
3 consultation with the commissioner of health, and consistent with the
4 public health law and section sixty-eight hundred one of this title, for
5 HIV pre-exposure prophylaxis, provided, however, that the regulations
6 promulgated pursuant to this subdivision shall require that the HIV
7 pre-exposure prophylaxis authorized to be dispensed by a licensed phar-
8 macist shall provide for at least a thirty-day, but no more than a
9 sixty-day, supply of such prophylaxis.

10 § 3. Subdivision 5 of section 6801 of the education law, as added by
11 chapter 502 of the laws of 2016, is amended and a new subdivision 10 is
12 added to read as follows:

13 5. A licensed pharmacist may execute a non-patient specific order, for
14 dispensing up to a seven day starter pack of HIV post-exposure prophylaxis
15 medications for the purpose of preventing human immunodeficiency
16 virus infection, by a physician licensed in this state or nurse practitioner
17 certified in this state, pursuant to rules and regulations promulgated by the
18 commissioner in consultation with the commissioner of health following a
19 potential human immunodeficiency virus exposure. The pharmacist shall also
20 inform the patient of the availability of pre-exposure prophylaxis for persons
21 who are at substantial risk of acquiring HIV.

23 10. A licensed pharmacist may execute a non-patient specific order,
24 for dispensing HIV pre-exposure prophylaxis, pursuant to rules and regulations
25 promulgated by the commissioner in consultation with the commissioner of
26 health provided, however, that the rules and regulations promulgated pursuant
27 to this subdivision shall require that the HIV pre-exposure prophylaxis
28 authorized to be dispensed by a licensed pharmacist shall provide for at
29 least a thirty-day, but no more than a sixty-day, supply of such prophylaxis.
30 And provided, further, that the following conditions shall be met before a
31 pharmacist may dispense pre-exposure prophylaxis:

33 (a) The pharmacist has completed a training program created by the
34 department of health on the use of pre-exposure prophylaxis. The training
35 program shall educate pharmacists about the requirements of this subdivision,
36 the risks and side effects of the medication, patient insurance and cost
37 burdens, and any other information such department deems necessary or
38 important;

39 (b) The patient is HIV negative, as documented by a negative HIV test
40 result obtained within the previous seven days from an HIV antigen/antibody
41 test or antibody-only test or from a rapid, point-of-care fingerstick blood
42 test approved by the federal food and drug administration. If the patient
43 does not provide evidence of a negative HIV test in accordance with this
44 paragraph, the pharmacist may recommend an HIV test. If the patient tests
45 positive for HIV infection, the pharmacist shall direct the patient to a
46 licensed physician and provide the patient with a list of health care service
47 providers and clinics within the county where the pharmacist is located or
48 adjacent counties;

49 (c) The patient does not report any signs or symptoms of acute HIV
50 infection on a self-reported checklist of acute HIV infection signs and
51 symptoms;

52 (d) The patient does not report taking any contraindicated medications;

53 (e) The pharmacist does not furnish more than a sixty-day supply of
54 pre-exposure prophylaxis to a single patient more than once every two
55 years, unless directed otherwise by a prescriber.

1 (f) The pharmacist provides written information, published by the
2 department of health, to the patient on the ongoing use of pre-exposure
3 prophylaxis, which may include education about side effects, safety
4 during pregnancy and breastfeeding, adherence to recommended dosing, and
5 the importance of timely testing and treatment, as applicable, for HIV,
6 renal function, hepatitis B, hepatitis C, sexually transmitted diseases,
7 and pregnancy for individuals of child-bearing capacity. The pharmacist
8 shall notify the patient that the patient must be seen by a licensed
9 physician to receive subsequent prescriptions for pre-exposure prophy-
10 laxis; and

11 (g) The pharmacist provides information, with the patient's consent,
12 to the patient or, when the patient lacks capacity to consent, a person
13 authorized to consent to health care for such individual, on the impor-
14 tance of having a health care provider, developed by the commissioner of
15 health, and if the patient does not have a health care provider the
16 pharmacist shall provide the patient a list of licensed physicians,
17 clinics, or other health care service providers within the county where
18 the pharmacist is located or adjacent counties.

19 § 4. This act shall take effect on the one hundred eightieth day after
20 it shall have become a law. Effective immediately, the addition, amend-
21 ment and/or repeal of any rule or regulation necessary for the implemen-
22 tation of this act on its effective date are authorized to be made and
23 completed on or before such date.