

**A1125-A** Paulin Same as S 6698-A STAVISKY

## Education Law

TITLE. ...Relates to the dispensing of self-administered hormonal contraceptives

01/07/21 referred to higher education  
01/05/22 referred to higher education  
05/20/22 amend (t) and recommit to higher education  
05/20/22 print number 1125a  
05/31/22 reference changed to ways and means  
06/02/22 reported referred to rules  
06/03/22 reported  
06/03/22 rules report cal.675  
06/03/22 ordered to third reading rules cal.675  
06/03/22 passed assembly  
06/03/22 delivered to senate  
06/03/22 REFERRED TO RULES

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PAULIN, GOTTFRIED, THIELE, GALEF, COOK, J. RIVERA, SEAWRIGHT, DINOWITZ, BICHOTTE HERMELYN, BARRETT, KELLES, HEVESI, MCDONALD, GONZALEZ-ROJAS, SILLITTI, DICKENS, REYES, MAMDANI, ROZIC, ENGLEBRIGHT, FORREST, EPSTEIN, JACKSON, STECK, L. ROSENTHAL, NIOU, QUART, CARROLL, BURDICK, SIMON, BURGOS, LUNSFORD, GALLAGHER, LAVINE, J. D. RIVERA, CLARK, GLICK

Amd §§6527, 6802, 6807 &amp; 6909, Ed L

Relates to the dispensing of self-administered hormonal contraceptives; authorizes a licensed physician and a certified nurse practitioner to prescribe and order a non-patient specific regimen to a pharmacist licensed and located in the state for the dispensing of self-administered hormonal contraceptives.

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## STATE OF NEW YORK

1125--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 7, 2021

Introduced by M. of A. PAULIN, GOTTFRIED, THIELE, GALEF, COOK,  
J. RIVERA, SEAWRIGHT, DINOWITZ, BICHOTTE HERMELYN, BARRETT, KELLES,  
HEVESI, McDONALD, GONZALEZ-ROJAS, SILLITTI, DICKENS, REYES, MAMDANI,  
ROZIC, ENGLEBRIGHT, FORREST, EPSTEIN, JACKSON, STECK, L. ROSENTHAL,  
NIOU, QUART, CARROLL, BURDICK, SIMON, BURGOS, LUNSFORD, GALLAGHER,  
LAVINE, J. D. RIVERA, CLARK -- read once and referred to the Committee  
on Higher Education -- recommitted to the Committee on Higher Educa-  
tion in accordance with Assembly Rule 3, sec. 2 -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend the education law, in relation to the dispensing of  
self-administered hormonal contraceptives

The People of the State of New York, represented in Senate and Assem-  
bly, 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 specif-  
4 ic regimen to a pharmacist licensed and located in the state, pursuant  
5 to regulations promulgated by the commissioner, and consistent with  
6 section sixty-eight hundred seven of this title, for dispensing self-ad-  
7 ministered hormonal contraceptives as defined in section sixty-eight  
8 hundred two of 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 seven of this article, means self-adminis-  
13 tered contraceptive medications or devices approved by the federal Food  
14 and Drug Administration to prevent pregnancy by using hormones to regu-  
15 late or prevent ovulation, and includes oral hormonal contraceptives,  
16 hormonal contraceptive vaginal rings and hormonal contraceptive patches.

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

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1 § 3. Section 6807 of the education law is amended by adding a new  
2 subdivision 4 to read as follows:

3 4. a. A pharmacist licensed and located in the state may dispense a  
4 non-patient specific regimen of self-administered hormonal contracep-  
5 tives, prescribed or ordered by a licensed physician or certified nurse  
6 practitioner, pursuant to rules and regulations promulgated by the  
7 commissioner, in accordance with the provisions of this subdivision.

8 b. Prior to dispensing self-administered hormonal contraceptives to a  
9 patient, and at a minimum of every twelve months for each returning  
10 patient, the pharmacist shall:

11 (i) provide the patient with a self-screening risk assessment ques-  
12 tionnaire, developed by the commissioner of health and made available in  
13 English and the top six languages spoken in the state, according to the  
14 latest available data from the United States Census Bureau, to be used  
15 by the patient to help the patient select an appropriate self-adminis-  
16 tered hormonal contraceptive; and

17 (ii) provide the patient with a fact sheet, developed by the commis-  
18 sioner of health and made available in English and the top six languages  
19 spoken in the state, according to the latest available data from the  
20 United States Census Bureau, that includes but is not limited to, the  
21 clinical considerations and recommendations for use of the self-adminis-  
22 tered hormonal contraceptive, the appropriate method for using such  
23 hormonal contraceptive, information on the importance of follow-up  
24 health care, and health care referral information.

25 c. The commissioner may require pharmacists to undergo training  
26 related to the provisions of this subdivision.

27 d. A pharmacist shall notify the patient's primary health care practi-  
28 tioner, within seventy-two hours of dispensing a self-administered  
29 hormonal contraceptive, that such self-administered hormonal contracep-  
30 tive has been dispensed. If the patient does not have a primary health  
31 care practitioner, or is unable to provide contact information for their  
32 primary health care practitioner, the pharmacist shall provide the  
33 patient with a written record of the contraceptives dispensed, and  
34 advise the patient to consult an appropriate health care practitioner.

35 e. Nothing in this subdivision shall prevent a pharmacist from refus-  
36 ing to dispense pursuant to this subdivision if, in their professional  
37 judgment, potential adverse effects, interactions or other therapeutic  
38 complications could endanger the health of the patient.

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

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

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

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A1125A

**SPONSOR:** Paulin

**TITLE OF BILL:**

An act to amend the education law, in relation to the dispensing of self-administered hormonal contraceptives

**PURPOSE:**

To reduce the number of unintended pregnancies by increasing access to contraceptive drugs for women in New York State.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section one provides that a licensed physician may prescribe and order a non-patient specific regimen to a pharmacist licensed and located in the state, for dispensing self-administered hormonal contraceptives that are approved by the Federal Food and Drug Administration (FDA).

Section 2 adds a new subdivision 29 to section 6802 of the education law to provide a definition for "self-administered hormonal contraceptives."

Section three provides that a pharmacist licensed and located in the state may dispense a non-patient specific regimen of self-administered hormonal contraceptives that are approved by the Federal Food and Drug Administration (FDA), prescribed or ordered by a licensed physician or certified nurse practitioner. It further provides that prior to dispensing, and at a minimum of every twelve months for returning patients, the pharmacist must provide the patient with a self-screening risk assessment questionnaire, developed by the commissioner of health. The pharmacist must also provide the patient with a fact sheet developed by the commissioner of health.

This section also authorizes the commissioner to require training; requires pharmacists to notify a patient's primary care provider when self-administered hormonal contraceptives are dispensed under this section, and makes it clear that the pharmacist retains the ability to refuse to dispense a prescription if in their professional judgment, potential adverse effects, interactions or other therapeutic complications could endanger the health of the patient.

Section four provides that a certified nurse practitioner may prescribe and order a non-patient specific regimen to a pharmacist licensed and located in the state dispensing self-administered hormonal contraceptives.

Section five provides the effective date.

**JUSTIFICATION:**

Women in New York State currently face barriers to accessing contraceptive drugs, as current law requires a patient-specific prescription from a health care provider. This bill would allow New York State pharmacists and registered nurses to dispense self-administered hormonal contraceptives from a non-patient specific order written by a licensed physician or certified nurse practitioner, bypassing the frequent difficulties encountered in obtaining medical appointments at offices with limited hours, long waits or inconvenient locations.

**PRIOR LEGISLATIVE HISTORY:**

A.480, 2019 and 2020, referred to higher education. A.2632, 2017 and 2018, referred to higher education. Same as 5.3792, 2017 and 2018, referred to higher education. A.8707A, 2016 referred to higher education. Same as 5.7503, 2016 referred to higher education.

**FISCAL IMPLICATIONS:**

None

**EFFECTIVE DATE:**

This act shall take effect eighteen months after it shall have become a law. 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.