

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

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

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

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

1 infection following a potential human immunodeficiency virus exposure.
2 A certified nurse practitioner may also prescribe and order a patient
3 specific or non-patient specific order to a licensed pharmacist, pursu-
4 ant to regulations promulgated by the commissioner in consultation with
5 the commissioner of health, and consistent with the public health law
6 and section sixty-eight hundred one of this title, for HIV pre-exposure
7 prophylaxis, provided, however, that the regulations promulgated pursu-
8 ant to this subdivision shall require that the HIV pre-exposure prophy-
9 laxis authorized to be dispensed by a licensed pharmacist shall provide
10 for at least a thirty-day, but no more than a sixty-day, supply of such
11 prophylaxis.

12 § 3. Subdivision 5 of section 6801 of the education law, as added by
13 chapter 502 of the laws of 2016, is amended and a new subdivision 9 is
14 added to read as follows:

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

25 9. A licensed pharmacist may execute a non-patient specific order, for
26 dispensing HIV pre-exposure prophylaxis, pursuant to rules and regu-
27 lations promulgated by the commissioner in consultation with the commis-
28 sioner of health provided, however, that the rules and regulations

1 promulgated pursuant to this subdivision shall require that the HIV
2 pre-exposure prophylaxis authorized to be dispensed by a licensed phar-
3 macist shall provide for at least a thirty-day, but no more than a
4 sixty-day, supply of such prophylaxis. And provided further, that the
5 following conditions shall be met before a pharmacist may dispense pre-
6 exposure prophylaxis:

7 (a) The pharmacist has completed a training program created or
8 approved by the department of health on the use of pre-exposure prophy-
9 laxis. The training program shall educate pharmacists about the require-
10 ments of this subdivision, the risks and side effects of the medication,
11 patient insurance and cost burdens, and any other information the
12 department of health deems necessary or important;

13 (b) The patient is HIV negative, as documented by a negative HIV test
14 result obtained within the previous seven days from an HIV
15 antigen/antibody test or antibody-only test or from a rapid, point-of-
16 care fingerstick blood test approved by the federal food and drug admin-
17 istration. If the patient does not provide evidence of a negative HIV
18 test in accordance with this paragraph, the pharmacist may recommend or
19 order an HIV test. If the patient tests positive for HIV infection, the
20 pharmacist shall direct the patient to a licensed physician and provide
21 the patient with a list of health care service providers and clinics
22 within the county where the pharmacist is located or adjacent counties;

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

26 (d) The patient does not report taking any contraindicated medica-
27 tions;

1 (e) The pharmacist does not furnish more than a sixty-day supply of
2 pre-exposure prophylaxis to a single patient more than once every year,
3 unless directed otherwise by a prescriber;

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

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