

SENATE No. 1407

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act enabling pharmacists to prescribe, dispense and administer PrEP.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/24/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/8/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>6/17/2021</i>

SENATE No. 1407

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1407) of Julian Cyr, Jack Patrick Lewis, Harriette L. Chandler and Adam J. Scanlon for legislation to enable pharmacists to prescribe, dispense and administer pre-exposure prophylaxis. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act enabling pharmacists to prescribe, dispense and administer PrEP.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 94C, as appearing in the 2018 Official Edition, is
2 hereby amended by inserting after the definition of “Extended-release long-acting opioid in a
3 non-abuse deterrent form” the following new definition:-

4 “HIV prevention drug”, means drugs approved by the U.S. federal drug administration
5 for the prevention of HIV, including but not limited to preexposure prophylaxis.

6 SECTION 2. Said section 1 of said Chapter 94C, as so appearing, is hereby further
7 amended by inserting after the definition of “Practitioner” the following new definition:-

8 “Pre-exposure prophylaxis” means a drug or drug combination that meets the same
9 clinical eligibility recommendations provided in CDC guidelines, as defined in section 12-280-

10 125.7

11 SECTION 3. Said Chapter 94C is hereby further amended by inserting after section 21B
12 the following new section:-

13 Section 21C. (a) A licensed pharmacist may prescribe and dispense or administer HIV
14 prevention drugs in accordance with regulations promulgated by the department as set forth in
15 this section.

16 (b) A licensed pharmacist may prescribe and dispense or administer HIV prevention
17 drugs according to federal Food and Drug Administration guidance and product labeling if all of
18 the following conditions are met:

19 (1) The patient is HIV negative, as documented by a negative HIV test result obtained
20 within the previous seven days from an HIV antigen/antibody test or antibody-only test or from a
21 rapid, point-of-care fingerstick blood test approved by the federal Food and Drug
22 Administration. If the patient does not provide evidence of a negative HIV test in accordance
23 with this paragraph, the pharmacist shall order an HIV test. If the test results are not transmitted
24 directly to the pharmacist, the pharmacist shall verify the test results to the pharmacist's
25 satisfaction. If the patient tests positive for HIV infection, the pharmacist or person administering
26 the test shall direct the patient to a primary care provider and provide a list of providers and
27 clinics in the region.

28 (2) The patient does not report any signs or symptoms of acute HIV infection on a self-
29 reported checklist of acute HIV infection signs and symptoms.

30 (3) The patient does not report taking any contraindicated medications.

31 (4) The pharmacist provides counseling to the patient on the ongoing use of preexposure
32 prophylaxis, which may include education about side effects, safety during pregnancy and
33 breastfeeding, adherence to recommended dosing, and the importance of timely testing and
34 treatment, as applicable, for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted
35 diseases, and pregnancy for individuals of child-bearing capacity. The pharmacist shall notify the
36 patient that the patient must be seen by a primary care provider to receive subsequent
37 prescriptions for preexposure prophylaxis and that a pharmacist may not furnish a 60-day supply
38 of preexposure prophylaxis to a single patient more than once every two years.

39 (5) The pharmacist documents, to the extent possible, the services provided by the
40 pharmacist in the patient's record in the record system maintained by the pharmacy. The
41 pharmacist shall maintain records of preexposure prophylaxis furnished to each patient.

42 (6) The pharmacist notifies the patient's primary care provider that the pharmacist
43 completed the requirements specified in this subdivision. If the patient does not have a primary
44 care provider or refuses consent to notify the patient's primary care provider, the pharmacist
45 shall provide the patient a list of physicians and surgeons, clinics, or other health care service
46 providers to contact regarding ongoing care for preexposure prophylaxis.

47 (c) The department shall promulgate rules to establish statewide drug therapy protocols
48 for prescribing and dispensing preexposure prophylaxis and other HIV prevention drugs
49 approved by the FDA that is consistent with CDC guidelines.