

SENATE No. 2955

The Commonwealth of Massachusetts

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

SENATE, June 27, 2022.

The committee on Senate Ways and Means to whom was referred the Senate Bill enabling pharmacists to prescribe, dispense and administer PrEP (Senate, No. 1407), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2955).

For the committee,
Michael J. Rodrigues

SENATE No. 2955

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**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 2020 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 2 definitions:-

4 “HIV”, human immunodeficiency virus.

5 “HIV prevention drug”, a drug approved by the United States Food and Drug
6 Administration for the prevention of HIV, including, but not limited to, pre-exposure
7 prophylaxis.

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

10 “Pre-exposure prophylaxis”, a drug or drug combination that is taken or administered to
11 reduce the risk of HIV acquisition and meets the same clinical eligibility recommendations
12 provided in current guidelines of the federal Centers for Disease Control and Prevention.

13 SECTION 3. Said chapter 94C is hereby further amended by inserting after section 21B
14 the following section:-

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

18 (b) A licensed pharmacist may prescribe, dispense or administer HIV prevention drugs
19 according to United States Food and Drug Administration guidance and product labeling if the
20 patient:

21 (i) is HIV negative, as documented by a negative HIV test result obtained within the
22 previous 7 days from an HIV antigen and antibody test or antibody-only test or from a rapid,
23 point-of-care fingerstick blood test approved by the United States Food and Drug
24 Administration; provided, however, that if the patient does not provide evidence of a negative
25 HIV test in accordance with this clause, the pharmacist may order an HIV test prior to
26 prescribing, dispensing or administering the drugs; provided further, that if the test results are not
27 transmitted directly to the pharmacist, the pharmacist shall verify the test results to the
28 pharmacist's satisfaction prior to prescribing, dispensing or administering the drugs; and
29 provided further, that if the patient tests positive for HIV infection, the pharmacist or person
30 administering the test shall direct the patient to a primary care provider and provide the patient
31 with a list of providers and clinics in the region;

32 (ii) does not report any signs or symptoms of acute HIV infection on a self-reported
33 checklist of acute HIV infection signs and symptoms; and

34 (iii) does not report taking any contraindicated medication.

35 (c) A licensed pharmacist that prescribes, dispenses or administers HIV prevention drugs
36 shall:

37 (i) provide counseling to the patient on the ongoing use of pre-exposure prophylaxis,
38 which may include education about side effects, safety during pregnancy and breastfeeding,
39 adherence to recommended dosing and the importance of timely testing and treatment, as
40 applicable, for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted infections and
41 pregnancy for individuals of child-bearing capacity;

42 (ii) notify the patient that the patient is required to be seen by a primary care provider to
43 receive subsequent prescriptions for pre-exposure prophylaxis and that a pharmacist shall not
44 furnish a 60-day supply of pre-exposure prophylaxis to a single patient more than once every 2
45 years:

46 (iii) document, to the extent possible, the services provided to the patient by the
47 pharmacist in the patient's record in the record system maintained by the pharmacy and maintain
48 records of pre-exposure prophylaxis furnished to each patient; and

49 (iv) notify the patient's primary care provider that the pharmacist completed the
50 requirements specified in this subsection; provided, however, that if the patient does not have a
51 primary care provider or refuses consent to notify the patient's primary care provider, the
52 pharmacist shall provide the patient a list of physicians and surgeons, clinics or other health care
53 service providers to contact regarding ongoing care for pre-exposure prophylaxis.

54 SECTION 4. The department of public health shall promulgate regulations to establish
55 statewide drug therapy protocols for prescribing, dispensing and administering pre-exposure
56 prophylaxis and other HIV prevention drugs approved by the United States Food and Drug

57 Administration that are consistent with federal Centers for Disease Control and Prevention
58 guidelines not later than 6 months after the effective date of this act. The regulations shall
59 include, but not be limited to, rules stating that a pharmacist shall not furnish a 60-day supply of
60 pre-exposure prophylaxis to a single patient more than once every 2 years.