

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

BILL NUMBER:

SPONSOR: Paulin

TITLE OF BILL:

An act to amend the education, the insurance law and public health law, in relation to the dispensing of abortion medication.

PURPOSE:

To improve the accessibility of abortion medication

SUMMARY OF PROVISIONS:

Section one of the bill amends section 6527 of the education law to allow a registered professional nurse or pharmacists licensed and located in the state to administer and dispense a non-patient specific regimen of abortion medication when prescribed by a licensed physician, nurse practitioner, or licensed midwife.

Section two of the bill amends section the education law to add licensed midwives to the list of providers that are able to prescribe a nonpatient specific script for a pharmacist or registered nurse to dispense.

Section three of the bill creates a new section in education law to provide definitions of "abortion medication" and "prescriber" as well as allows for the administering or dispensing of abortion medication by a registered professional nurse pr pharmacist licensed and located in the state pursuant to a prescription for a non-patient specific regimen ordered by licensed physician, certified nurse practitioner, or licensed midwife. Also includes requirements of pharmacists and nurse to provide a fact sheet on the abortion medication being dispensed.

Section four amends section 6909 of the education law to allow a registered professional nurse to dispense and administer abortion medication pursuant to non-patient specific prescription ordered by a certified nurse practitioner.

Section five amends section 6909 of the education law to allow a registered nurse to execute a non-patient specific regiment ordered by a licensed midwife.

Section six amends section 6951 of the education law to allow licensed midwives to prescribe a non-patient specific regimen of abortion medication to a registered professional nurse or pharmacist licensed and located in the state.

Sections seven, eight, and nine amend the insurance law to allow for coverage of abortion medication without cost-sharing.

Section ten amends section 207 of the public health law to include information about safety, efficacy, appropriate use of abortion medication in education and wellness programs.

Section eleven provides the effective date.

JUSTIFICATION:

In 2023, the Food and Drug Administration (FDA) made a regulatory change that would allow abortion pills, mifepristone and misoprostol, to be offered in retail pharmacies. This new rule would still require patients to have a prescription from a certified healthcare provider, but it greatly broadens the availability of abortion pills. This is an important step forward, but those seeking the medication in New York will still face access barriers when trying to obtain a prescription from a licensed physician.

While current NYS law allows abortion medication to be prescribed by a licensed physician, a certified nurse practitioner or properly licensed midwife, this bill vastly expands access by allowing these healthcare professionals to prescribe a non-patient specific regimen of abortion medication to be dispensed by a local pharmacist without an additional trip to the doctor's office. Allowing pharmacists to dispense this medication will help address access disparities for many New Yorkers, especially marginalized populations, who are more likely to live closer to a pharmacy than a physician's office.

In 2021, over half of abortions in the United States were medication abortions, specifically using the two-drug regimen of mifepristone and misoprostol. The FDA has found that medication abortion is safe and effective, with a 0.4% risk of major complications and an associated mortality rate of less than 0.001 percent. The medication comes with no risk of overdose or addiction. Further, individuals have accessed these pills without a prescription and safely induced abortion in countries like India and Mexico for years.

Not only has this two-drug combination been proved safe and effective to induce abortions up to 12 weeks into a pregnancy, but doctors also often prescribe this same safe and effective regimen for early pregnancy loss, as it helps expel a miscarriage. By limiting an individual's access to this medication, we are preventing people from receiving the care they need at the time they need it most.

LEGISLATIVE HISTORY:

New bill.

FISCAL:

None to the state.

EFFECTIVE DATE:

This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that sections seven, eight and nine of this act shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date; provided, further, that the amendments to paragraph (h) of subdivision 6 of section 6527 of the education law, made by section one of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith; provided, further, that the amendments to paragraph (h) of subdivision 4 of section 6909 of the education law, made by section four of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith. 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.