

[Second Reprint]
SENATE, No. 2019

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator VIN GOPAL
District 11 (Monmouth)
Senator JOHN F. MCKEON
District 27 (Essex and Passaic)
Assemblywoman LUANNE M. PETERPAUL
District 11 (Monmouth)
Assemblywoman SHANIQUE SPEIGHT
District 29 (Essex and Hudson)

Co-Sponsored by:

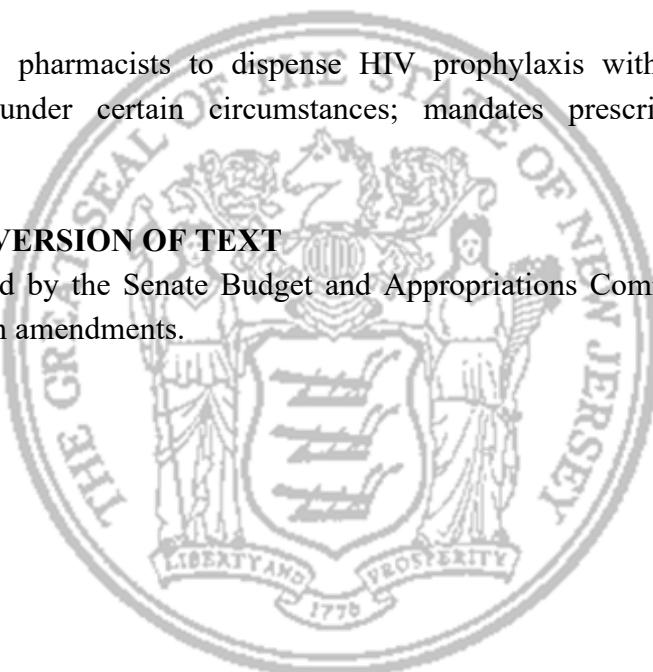
Senators Turner, McKnight, Ruiz, Cruz-Perez and Assemblywoman McCoy

SYNOPSIS

Authorizes pharmacists to dispense HIV prophylaxis without individual prescription under certain circumstances; mandates prescription benefits coverage.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 26, 2025, with amendments.



(Sponsorship Updated As Of: 12/22/2025)

1 AN ACT concerning pharmacists and supplementing Titles 17, 26,
2 45, and 52 of the Revised Statutes and Title 17B of the New
3 Jersey Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. As used in this act:

9 “CDC PEP guidelines” means the “Updated Guidelines for
10 Antiretroviral Postexposure Prophylaxis After Sexual, Injection
11 Drug Use, or Other Nonoccupational Exposure to HIV – United
12 States, 2016,” or any subsequent guidelines ²[], published by the
13 federal Centers for Disease Control and Prevention] ².

14 “CDC ¹[PrEP¹] guidelines” means the “ ²[2017]²
15 Preexposure Prophylaxis for the Prevention of HIV Infection in the
16 United States – ²[2017] 2021² Update: A Clinical Practice
17 Guideline,” or any subsequent guidelines ²[], published by the
18 federal Centers for Disease Control and Prevention] ².

19 “HIV” means the human immunodeficiency virus.

20 “HIV preexposure prophylaxis” means ¹[a fixed-dose
21 combination of tenofovir disoproxil fumarate (TDF) (300 mg) with
22 emtricitabine (FTC) (200 mg), or another] any¹ drug or drug
23 combination ¹[determined by the State Board of Pharmacy to meet]
24 authorized or approved by the United States Food and Drug
25 Administration for the prevention of HIV that meets¹ the ¹[same]¹
26 clinical ¹[eligibility¹] recommendations ¹, and that is furnished
27 according to the standards of care,¹ provided in the ¹[CEC PReP
28 CDC PrEP¹ guidelines ²or any subsequent guidelines².

29 “HIV postexposure prophylaxis” means¹[: tenofovir disoproxil
30 fumarate (TDF) (300 mg) with emtricitabine (FTC) (200 mg), taken
31 once daily, in combination with either raltegravir (400mg), taken
32 twice daily, or dolutegravir (50mg), taken once daily; tenofovir
33 disoproxil fumarate (TDF) (300 mg) with emtricitabine (FTC) (200
34 mg), taken once daily, in combination with darunavir (800mg) and
35 ritonavir (100mg), taken once daily; or another] any¹ drug or drug
36 combination ¹[determined by the State Board of Pharmacy to meet]
37 authorized or approved by the United States Food and Drug
38 Administration ²[for the prevention of HIV²] that meets¹ the
39 ¹[same¹] clinical ¹[eligibility¹] recommendations ²for HIV
40 postexposure prophylaxis² ¹, and that is furnished according to the
41 standards of care,¹ provided in the ¹[CEC PRP¹] CDC PEP¹
42 guidelines ²or any subsequent guidelines².

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted December 9, 2024.

²Senate SBA committee amendments adopted June 26, 2025.

1 2“Standards of care” means the care of a pharmacist ordering and
2 providing HIV preexposure prophylaxis or HIV postexposure
3 prophylaxis services as determined by the circumstances that
4 present in practice, which care meets the same standard of care
5 provided by other qualified health care professional in the same or
6 similar setting.²

7

8 2. a. Notwithstanding any other provision of law to the
9 contrary, a pharmacist may initiate and furnish HIV preexposure
10 prophylaxis or HIV postexposure prophylaxis to a patient without
11 an individual prescription pursuant to a standing order issued to the
12 pharmacist by the Commissioner of Health or, if the commissioner
13 is not a duly licensed physician, the Deputy Commissioner for
14 Public Health Services. A standing order shall be issued to a
15 pharmacist upon request, provided that the pharmacist satisfies the
16 training requirements set forth in subsection b. of this section and
17 certifies that the pharmacist will adhere to the requirements set
18 forth in subsection c. of this section concerning the protocols for
19 initiating and furnishing HIV preexposure prophylaxis and the
20 requirements set forth in subsection d. of this section concerning the
21 protocols for initiating and furnishing HIV postexposure
22 prophylaxis to patients without an individual prescription. In no
23 case shall a patient be authorized to waive the consultation required
24 pursuant to subsection c. or subsection d. of this section.

25 b. A pharmacist shall not be authorized to furnish HIV
26 preexposure prophylaxis or HIV postexposure prophylaxis to a
27 patient without an individual prescription unless the pharmacist
28 completes a training program, ¹provided by the Department of
29 Health or¹ approved by the ²【State Board of Pharmacy】
30 Department of Health² ¹【in consultation with the Department of
31 Health】¹, concerning the use of HIV preexposure prophylaxis and
32 HIV postexposure prophylaxis. At a minimum, the training
33 program shall include information about financial assistance
34 programs available to patients to assist with the costs of HIV
35 preexposure prophylaxis and HIV postexposure prophylaxis.

36 c. A pharmacist shall furnish at least a 30-day supply, and up
37 to a ¹【60-day】 90-day¹ supply, of HIV preexposure prophylaxis to
38 a patient without an individual prescription if the following
39 requirements are met:

40 (1) The patient is HIV-negative, as documented by a negative
41 HIV test result obtained within the previous seven days from an
42 HIV antigen/antibody test or antibody-only test or from a rapid,
43 point-of-care fingerstick blood test approved by the federal Food
44 and Drug Administration. If the patient does not provide evidence
45 of a negative HIV test in accordance with this paragraph, the
46 pharmacist shall ¹administer an HIV test waived under the federal
47 “Clinical Laboratory Improvement Amendments of 1988 (CLIA),”

1 Pub. L. 100-578 (42 U.S.C. s.263a) or¹ order an HIV test. If the
2 test results are not ordered directly ¹to a by the¹ pharmacist, the
3 pharmacist shall verify the test results to the pharmacist's
4 satisfaction. If the patient tests positive for HIV infection, the
5 pharmacist or person administering the test shall direct the patient
6 to a primary care provider, provide the patient with information and
7 resources concerning treatment providers and HIV treatment clinics
8 in the region, and take all other actions required under State and
9 federal law in response to a positive test for HIV;

10 (2) The patient does not report any signs or symptoms of acute
11 HIV infection on a self-reported checklist of acute HIV infection
12 signs and symptoms;

13 (3) The patient does not report taking any contraindicated
14 medications, and the pharmacist reviews ¹, to the extent possible,¹
15 the patient's prescription monitoring information to confirm no
16 contraindicated prescriptions have been issued or dispensed ¹by the
17 treating pharmacist or the pharmacy affiliated with the treating
18 pharmacist to¹ the patient in the past six months;

19 (4) The patient has not been furnished with HIV preexposure
20 prophylaxis without an individual prescription within the past two
21 years ¹based on the information provided by the patient to the
22 pharmacist or the information available in the patient's records¹;

23 (5) The pharmacist provides counseling to the patient on the
24 ongoing use of HIV preexposure prophylaxis, which may include
25 education about side effects, safety during pregnancy and
26 breastfeeding, adherence to recommended dosing, and the
27 importance of timely testing and treatment, as applicable, for HIV,
28 renal function, hepatitis B, hepatitis C, sexually transmitted
29 diseases, and pregnancy for individuals of child-bearing capacity.
30 The pharmacist shall notify the patient that the patient will not be
31 eligible to continue receiving HIV preexposure prophylaxis unless
32 the patient is seen by a primary care provider and issued a
33 prescription for the HIV preexposure prophylaxis, and that the
34 patient may be furnished with no more than a ¹60-day 90-day¹
35 supply of HIV preexposure prophylaxis by a pharmacist without an
36 individual prescription within any given two year period;

37 (6) The pharmacist documents, to the extent possible, the
38 services provided by the pharmacist in the patient's record in the
39 record system maintained by the pharmacy, and includes the
40 dispensation of the HIV preexposure prophylaxis in the prescription
41 monitoring database established pursuant to P.L.2007, c.244
42 (C.45:1-45 et al.) with a note indicating the HIV preexposure
43 prophylaxis was provided without an individual prescription
44 pursuant to this section; and

45 (7) The pharmacist notifies the patient's primary care provider
46 that the pharmacist furnished the patient with HIV preexposure
47 prophylaxis pursuant to this section. If the patient does not have a

1 primary care provider, or refuses to consent to the pharmacist
2 providing notice to the primary care provider pursuant to this
3 paragraph, the pharmacist shall provide the patient with a list of
4 physicians and surgeons, clinics, or other health care service
5 providers to contact regarding ongoing care for HIV preexposure
6 prophylaxis. The Department of Health shall publish and maintain
7 a current list of providers for pharmacists to use for the purposes of
8 this paragraph, which list may be made available on the
9 department's Internet website.

10 d. A pharmacist shall furnish a complete course of HIV
11 postexposure prophylaxis to a patient without an individual
12 prescription if the following requirements are met:

13 (1) The pharmacist confirms with the patient that the exposure
14 to HIV occurred within the previous 72 hours and the patient
15 otherwise meets the clinical criteria for HIV postexposure
16 prophylaxis consistent with the 1standard of care outlined in the¹
17 CDC PEP guidelines ²or any subsequent guidelines² ;

18 (2) The pharmacist provides HIV testing that is classified as
19 waived under the federal "Clinical Laboratory Improvement
20 Amendments of 1988," 42 U.S.C. s.263a, or determines the patient
21 is willing to undergo HIV testing consistent with the CDC PEP
22 guidelines ²or any subsequent guidelines² ;

23 (3) The pharmacist provides counseling to the patient on the use
24 of HIV postexposure prophylaxis consistent with the 1standard of
25 care outlined in the¹ CDC PEP guidelines ²or any subsequent
26 guidelines², which may include education about side effects, safety
27 during pregnancy and breastfeeding, adherence to recommended
28 dosing, and the importance of timely testing and treatment, as
29 applicable, for HIV and sexually transmitted diseases. The
30 pharmacist shall additionally inform the patient of the availability
31 of HIV preexposure prophylaxis for persons who are at substantial
32 risk of acquiring HIV; and

33 (4) The pharmacist notifies the patient's primary care provider
34 that the pharmacist provided the patient with a complete course of
35 HIV postexposure prophylaxis. If the patient does not have a
36 primary care provider, or refuses to consent to the pharmacist
37 providing notice to the primary care provider pursuant to this
38 paragraph, the pharmacist shall provide the patient with a list of
39 physicians and surgeons, clinics, or other health care service
40 providers to contact regarding followup care for HIV postexposure
41 prophylaxis ¹[. The] or an Internet web link to this information
42 that the¹ Department of Health shall publish ¹on the department's
43 Internet website¹ and maintain ¹[a current list of providers]¹ for
44 pharmacists to use for the purposes of this paragraph¹[, which list
45 may be made available on the department's Internet website]¹.

46 ¹e. ²(1)² A pharmacist ordering or providing HIV preexposure
47 prophylaxis or HIV postexposure prophylaxis under this section

1 shall be required to do so according to the same standards of care
2 required under the CDC PEP guidelines or the CDC PrEP
3 guidelines, as applicable, for a physician or other health care
4 professional ordering or providing the identical service.

5 2(2) In the event that the CDC PEP guidelines or the CDC PrEP
6 guidelines are unavailable, the Department of Health shall
7 implement a process for establishing guidelines for pharmacists to
8 order or provide HIV preexposure prophylaxis or HIV postexposure
9 prophylaxis under this section in accordance to the same standards
10 of care, as applicable, for a physician or other health care
11 professional ordering or providing the identical service.²

12 f. A licensed pharmacist who, in good faith, tests, furnishes or
13 provides a patient care related to HIV preexposure prophylaxis and
14 HIV postexposure prophylaxis pursuant to this section and based on
15 information provided by said patient or the patient's legal
16 representative shall not be subject to civil liability, criminal
17 prosecution, disciplinary action, or other adverse action under any
18 professional licensing statute for any injury or damages resulting
19 from reliance on such information.¹

20

21 3. a. (1) Except as provided in paragraph (2) of this
22 subsection, no group or individual hospital service corporation
23 contract providing hospital or medical expense benefits shall be
24 delivered, issued, executed, or renewed in this State or approved for
25 issuance or renewal in this State by the Commissioner of Banking
26 and Insurance, on or after the effective date of this act, unless the
27 contract provides benefits to any subscriber or other person covered
28 thereunder for HIV preexposure prophylaxis and HIV postexposure
29 prophylaxis furnished without an individual prescription pursuant to
30 the requirements of section 2 of P.L. , c. (C.) (pending
31 before the Legislature as this bill) without requiring prior
32 authorization or step therapy.

33 (2) If the federal Food and Drug Administration has ¹authorized
34 or¹ approved one or more therapeutic equivalents of a drug, device,
35 or product for the prevention of HIV and AIDS, paragraph (1) of
36 this subsection shall not be construed to require the contract to
37 cover all therapeutically equivalent versions without prior
38 authorization or step therapy, if at least one version is covered
39 without prior authorization or step therapy.

40 b. ¹Reimbursement issued under this section to a pharmacist
41 shall be at a rate that is no less than the rate provided by the group
42 or individual hospital service corporation contract to other non-
43 physician practitioners if the reimbursement is for a service or
44 procedure that meets the following criteria:

45 (1) the service or procedure is within the scope of practice of the
46 treating pharmacist; and

1 (2) the service or procedure would otherwise be covered under
2 the contract if provided by a healthcare provider, including a
3 physician, advanced practice nurse, or physician assistant.

4 c. A contract offered by a group or individual hospital service
5 corporation shall grant a licensed pharmacist receiving
6 reimbursement under this section the same rights of participation,
7 plan admission, and registration as may be granted by the contract to
8 a healthcare provider, including a physician, advanced practice
9 nurse, or physician assistant, who is reimbursed for an identical
10 service.

11 d.¹ A contract offered by a group or individual hospital service
12 corporation shall not:

13 (1) prohibit, or permit a delegated pharmacy benefits manager to
14 prohibit, a pharmacist from dispensing HIV preexposure
15 prophylaxis or HIV postexposure prophylaxis; and

16 (2) be required to cover HIV preexposure prophylaxis that has
17 been furnished by a pharmacist without an individual prescription
18 pursuant to pursuant to section 2 of P.L. , c. (C.) (pending
19 before the Legislature as this bill) in excess of a 1[60-day] 90-day¹
20 supply for a single patient within a given two year period.

21 '[c.] e.¹ Nothing in this section shall be construed to require a
22 contract offered by a group or individual hospital service
23 corporation to provide coverage for HIV preexposure prophylaxis
24 or HIV postexposure prophylaxis furnished by a pharmacist at an
25 out-of-network pharmacy, unless the contract has an out-of-network
26 pharmacy benefit.

27 '[d.] f.¹ The provisions of this section shall apply to all
28 contracts in which the hospital service corporation has reserved the
29 right to change the premium.

30 '[e.] g.¹ As used in this section:

31 "HIV preexposure prophylaxis" means the same as that term is
32 defined in section 1 of P.L. , c. (C.) (pending before the
33 Legislature as this bill).

34 "HIV postexposure prophylaxis" means the same as that term is
35 defined in section 1 of P.L. , c. (C.) (pending before the
36 Legislature as this bill).

37 "Step therapy" means requiring that a lower-cost alternative to
38 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
39 shown to have been ineffective as a condition of providing
40 prescription benefits coverage for the prophylaxis.

41

42 4. a. (1) Except as provided in paragraph (2) of this
43 subsection, no group or individual medical service corporation
44 contract providing hospital or medical expense benefits shall be
45 delivered, issued, executed, or renewed in this State or approved for
46 issuance or renewal in this State by the Commissioner of Banking
47 and Insurance, on or after the effective date of this act, unless the

1 contract provides benefits to any subscriber or other person covered
2 thereunder for HIV preexposure prophylaxis and HIV postexposure
3 prophylaxis furnished without an individual prescription pursuant to
4 the requirements of section 2 of P.L. , c. (C.) (pending
5 before the Legislature as this bill) without requiring prior
6 authorization or step therapy.

7 (2) If the federal Food and Drug Administration has 1authorized
8 or¹ approved one or more therapeutic equivalents of a drug, device,
9 or product for the prevention of HIV and AIDS, paragraph (1) of
10 this subsection shall not be construed to require the contract to
11 cover all therapeutically equivalent versions without prior
12 authorization or step therapy, if at least one version is covered
13 without prior authorization or step therapy.

14 b. 1Reimbursement issued under this section to a pharmacist
15 shall be at a rate that is no less than the rate provided by the group
16 or individual medical service corporation contract to other non-
17 physician practitioners if the reimbursement is for a service or
18 procedure that meets the following criteria:

19 (1) the service or procedure is within the scope of practice of the
20 treating pharmacist; and

21 (2) the service or procedure would otherwise be covered under
22 the contract if provided by a healthcare provider, including a
23 physician, advanced practice nurse, or physician assistant.

24 c. A contract offered by a group or individual medical service
25 corporation shall grant a licensed pharmacist receiving
26 reimbursement under this section the same rights of participation,
27 plan admission, and registration as may be granted by the contract to
28 a healthcare provider, including a physician, advanced practice
29 nurse, or physician assistant, who is reimbursed for an identical
30 service.

31 d.¹ A contract offered by a group or individual medical service
32 corporation shall not:

33 (1) prohibit, or permit a delegated pharmacy benefits manager to
34 prohibit, a pharmacist from dispensing HIV preexposure
35 prophylaxis or HIV postexposure prophylaxis; and

36 (2) be required to cover HIV preexposure prophylaxis that has
37 been furnished by a pharmacist without an individual prescription
38 pursuant to section 2 of P.L. , c. (C.) (pending
39 before the Legislature as this bill) in excess of a 1[60-day] 90-day¹
40 supply for a single patient within a given two year period.

41 ¹[c.] e.¹ Nothing in this section shall be construed to require a
42 contract offered by a group or individual medical service
43 corporation to provide coverage for HIV preexposure prophylaxis
44 or HIV postexposure prophylaxis furnished by a pharmacist at an
45 out-of-network pharmacy, unless the contract has an out-of-network
46 pharmacy benefit.

1 ¹[d.] f.¹ The provisions of this section shall apply to all
2 contracts in which the group or individual medical service
3 corporation has reserved the right to change the premium.

4 ¹[e.] g.¹ As used in this section:

5 “HIV preexposure prophylaxis” means the same as that term is
6 defined in section 1 of P.L. , c. (C.) (pending before the
7 Legislature as this bill).

8 “HIV postexposure prophylaxis” means the same as that term is
9 defined in section 1 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11 “Step therapy” means requiring that a lower-cost alternative to
12 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
13 shown to have been ineffective as a condition of providing
14 prescription benefits coverage for the prophylaxis.

15

16 5. a. (1) Except as provided in paragraph (2) of this
17 subsection, no group or individual health service corporation
18 contract providing hospital or medical expense benefits shall be
19 delivered, issued, executed, or renewed in this State or approved for
20 issuance or renewal in this State by the Commissioner of Banking
21 and Insurance, on or after the effective date of this act, unless the
22 contract provides benefits to any subscriber or other person covered
23 thereunder for HIV preexposure prophylaxis and HIV postexposure
24 prophylaxis furnished without an individual prescription pursuant to
25 the requirements of section 2 of P.L. , c. (C.) (pending
26 before the Legislature as this bill) without requiring prior
27 authorization or step therapy.

28 (2) If the federal Food and Drug Administration has¹authorized
29 or¹ approved one or more therapeutic equivalents of a drug, device,
30 or product for the prevention of HIV and AIDS, paragraph (1) of
31 this subsection shall not be construed to require the contract to
32 cover all therapeutically equivalent versions without prior
33 authorization or step therapy, if at least one version is covered
34 without prior authorization or step therapy.

35 b. ¹Reimbursement issued under this section to a pharmacist
36 shall be at a rate that is no less than the rate provided by the group
37 or individual health service corporation contract to other non-
38 physician practitioners if the reimbursement is for a service or
39 procedure that meets the following criteria:

40 (1) the service or procedure is within the scope of practice of the
41 treating pharmacist; and

42 (2) the service or procedure would otherwise be covered under
43 the contract if provided by a healthcare provider, including a
44 physician, advanced practice nurse, or physician assistant.

45 c. A contract offered by a group or individual health service
46 corporation shall grant a licensed pharmacist receiving
47 reimbursement under this section the same rights of participation,

1 plan admission, and registration as may be granted by the contract to
2 a healthcare provider, including a physician, advanced practice
3 nurse, or physician assistant, who is reimbursed for an identical
4 service.

5 d.¹ A contract offered by a group or individual health service
6 corporation shall not:

7 (1) prohibit, or permit a delegated pharmacy benefits manager to
8 prohibit, a pharmacist from dispensing HIV preexposure
9 prophylaxis or HIV postexposure prophylaxis; and

10 (2) be required to cover HIV preexposure prophylaxis that has
11 been furnished by a pharmacist without an individual prescription
12 pursuant to pursuant to section 2 of P.L. , c. (C.) (pending
13 before the Legislature as this bill) in excess of a 1[60-day] 90-day¹
14 supply for a single patient within a given two year period.

15 '[c.] e.'¹ Nothing in this section shall be construed to require a
16 contract offered by a health service corporation to provide coverage
17 for HIV preexposure prophylaxis or HIV postexposure prophylaxis
18 furnished by a pharmacist at an out-of-network pharmacy, unless
19 the contract has an out-of-network pharmacy benefit.

20 '[d.] f.'¹ The provisions of this section shall apply to all
21 contracts in which the health service corporation has reserved the
22 right to change the premium.

23 '[e.] g.'¹ As used in this section:

24 “HIV preexposure prophylaxis” means the same as that term is
25 defined in section 1 of P.L. , c. (C.) (pending before the
26 Legislature as this bill).

27 “HIV postexposure prophylaxis” means the same as that term is
28 defined in section 1 of P.L. , c. (C.) (pending before the
29 Legislature as this bill).

30 “Step therapy” means requiring that a lower-cost alternative to
31 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
32 shown to have been ineffective as a condition of providing
33 prescription benefits coverage for the prophylaxis.

34

35 6. a. (1) Except as provided in paragraph (2) of this
36 subsection, no individual health insurance policy providing hospital
37 or medical expense benefits shall be delivered, issued, executed, or
38 renewed in this State or approved for issuance or renewal in this
39 State by the Commissioner of Banking and Insurance, on or after
40 the effective date of this act, unless the policy provides benefits to
41 any named insured or other person covered thereunder for HIV
42 preexposure prophylaxis and HIV postexposure prophylaxis
43 furnished without an individual prescription pursuant to the
44 requirements of section 2 of P.L. , c. (C.) (pending before
45 the Legislature as this bill) without requiring prior authorization or
46 step therapy.

1 (2) If the federal Food and Drug Administration has ¹authorized
2 or¹ approved one or more therapeutic equivalents of a drug, device,
3 or product for the prevention of HIV and AIDS, paragraph (1) of
4 this subsection shall not be construed to require the policy to cover
5 all therapeutically equivalent versions without prior authorization or
6 step therapy, if at least one version is covered without prior
7 authorization or step therapy.

8 b. ¹Reimbursement issued under this section to a pharmacist
9 shall be at a rate that is no less than the rate provided by the
10 individual health insurance policy to other non-physician
11 practitioners if the reimbursement is for a service or procedure that
12 meets the following criteria:

13 (1) the service or procedure is within the scope of practice of the
14 treating pharmacist; and

15 (2) the service or procedure would otherwise be covered under
16 the policy if provided by a healthcare provider, including a
17 physician, advanced practice nurse, or physician assistant.

18 c. An individual health insurance policy shall grant a licensed
19 pharmacist receiving reimbursement under this section the same
20 rights of participation, plan admission, and registration as may be
21 granted by the policy to a healthcare provider, including a
22 physician, advanced practice nurse, or physician assistant, who is
23 reimbursed for an identical service.

24 d.¹ An individual health insurance policy shall not:

25 (1) prohibit, or permit a delegated pharmacy benefits manager to
26 prohibit, a pharmacist from dispensing HIV preexposure
27 prophylaxis or HIV postexposure prophylaxis; and

28 (2) be required to cover HIV preexposure prophylaxis that has
29 been furnished by a pharmacist without an individual prescription
30 pursuant to section 2 of P.L. , c. (C.) (pending
31 before the Legislature as this bill) in excess of a ¹60-day90-day¹

32 supply for a single patient within a given two year period.

33 ¹c.¹ Nothing in this section shall be construed to require
34 an individual health insurance policy to provide coverage for HIV
35 preexposure prophylaxis or HIV postexposure prophylaxis
36 furnished by a pharmacist at an out-of-network pharmacy, unless
37 the contract has an out-of-network pharmacy benefit.

38 ¹d.¹ The provisions of this section shall apply to all
39 policies in which the insurer has reserved the right to change the
40 premium.

41 ¹e.¹ As used in this section:

42 “HIV preexposure prophylaxis” means the same as that term is
43 defined in section 1 of P.L. , c. (C.) (pending before the
44 Legislature as this bill).

45 “HIV postexposure prophylaxis” means the same as that term is
46 defined in section 1 of P.L. , c. (C.) (pending before the
47 Legislature as this bill).

1 “Step therapy” means requiring that a lower-cost alternative to
2 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
3 shown to have been ineffective as a condition of providing
4 prescription benefits coverage for the prophylaxis.

5

6 7. a. (1) Except as provided in paragraph (2) of this
7 subsection, no group health insurance policy providing hospital or
8 medical expense benefits shall be delivered, issued, executed, or
9 renewed in this State or approved for issuance or renewal in this
10 State by the Commissioner of Banking and Insurance, on or after
11 the effective date of this act, unless the policy provides benefits to
12 any named insured or other person covered thereunder for HIV
13 preexposure prophylaxis and HIV postexposure prophylaxis
14 furnished without an individual prescription pursuant to the
15 requirements of section 2 of P.L. , c. (C.) (pending before
16 the Legislature as this bill) without requiring prior authorization or
17 step therapy.

18 (2) If the federal Food and Drug Administration has ¹authorized
19 ~~or~~¹ approved one or more therapeutic equivalents of a drug, device,
20 or product for the prevention of HIV and AIDS, paragraph (1) of
21 this subsection shall not be construed to require the policy to cover
22 all therapeutically equivalent versions without prior authorization or
23 step therapy, if at least one version is covered without prior
24 authorization or step therapy.

25 b. ¹Reimbursement issued under this section to a pharmacist
26 shall be at a rate that is no less than the rate provided by the group
27 health insurance policy to other non-physician practitioners if the
28 reimbursement is for a service or procedure that meets the
29 following criteria:

30 (1) the service or procedure is within the scope of practice of the
31 treating pharmacist; and

32 (2) the service or procedure would otherwise be covered under
33 the policy if provided by a healthcare provider, including a
34 physician, advanced practice nurse, or physician assistant.

35 c. A group health insurance policy shall grant a licensed
36 pharmacist receiving reimbursement under this section the same
37 rights of participation, plan admission, and registration as may be
38 granted by the policy to a healthcare provider, including a
39 physician, advanced practice nurse, or physician assistant, who is
40 reimbursed for an identical service.

41 d.¹ A group health insurance policy shall not:

42 (1) prohibit, or permit a delegated pharmacy benefits manager to
43 prohibit, a pharmacist from dispensing HIV preexposure
44 prophylaxis or HIV postexposure prophylaxis; and

45 (2) be required to cover HIV preexposure prophylaxis that has
46 been furnished by a pharmacist without an individual prescription
47 pursuant to section 2 of P.L. , c. (C.) (pending

1 before the Legislature as this bill) in excess of a ¹~~60-day~~ 90-day¹
2 supply for a single patient within a given two year period.

3 ¹~~c.~~ e.¹ Nothing in this section shall be construed to require a
4 group health insurance policy to provide coverage for HIV
5 preexposure prophylaxis or HIV postexposure prophylaxis
6 furnished by a pharmacist at an out-of-network pharmacy, unless
7 the contract has an out-of-network pharmacy benefit.

8 ¹~~d.~~ f.¹ The provisions of this section shall apply to all
9 policies in which the insurer has reserved the right to change the
10 premium.

11 ¹~~e.~~ g.¹ As used in this section:

12 “HIV preexposure prophylaxis” means the same as that term is
13 defined in section 1 of P.L. , c. (C.) (pending before the
14 Legislature as this bill).

15 “HIV postexposure prophylaxis” means the same as that term is
16 defined in section 1 of P.L. , c. (C.) (pending before the
17 Legislature as this bill).

18 “Step therapy” means requiring that a lower-cost alternative to
19 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
20 shown to have been ineffective as a condition of providing
21 prescription benefits.

22

23 8. a. (1) Except as provided in paragraph (2) of this
24 subsection, every individual health benefits plan that is delivered,
25 issued, executed, or renewed in this State pursuant to P.L.1992,
26 c.161 (C.17B:27A-2 et seq.) or approved for issuance or renewal in
27 this State, on or after the effective date of this act, shall provide
28 benefits to any person covered thereunder for expenses incurred for
29 HIV preexposure prophylaxis and HIV postexposure prophylaxis
30 furnished without an individual prescription pursuant to the
31 requirements of section 2 of P.L. , c. (C.) (pending before
32 the Legislature as this bill) without requiring prior authorization or
33 step therapy.

34 (2) If the federal Food and Drug Administration has ¹authorized
35 or¹ approved one or more therapeutic equivalents of a drug, device,
36 or product for the prevention of HIV and AIDS, paragraph (1) of
37 this subsection shall not be construed to require the plan to cover all
38 therapeutically equivalent versions without prior authorization or
39 step therapy, if at least one version is covered without prior
40 authorization or step therapy.

41 b. ¹Reimbursement issued under this section to a pharmacist
shall be at a rate that is no less than the rate provided by the
individual health benefits plan to other non-physician practitioners
if the reimbursement is for a service or procedure that meets the
following criteria:

46 (1) the service or procedure is within the scope of practice of the
47 treating pharmacist; and

1 (2) the service or procedure would otherwise be covered under
2 the plan if provided by a healthcare provider, including a physician,
3 advanced practice nurse, or physician assistant.

4 c. An individual health benefits plan shall grant a licensed
5 pharmacist receiving reimbursement under this section the same
6 rights of participation, plan admission, and registration as may be
7 granted by the plan to a healthcare provider, including a physician,
8 advanced practice nurse, or physician assistant, who is reimbursed
9 for an identical service.

10 d.¹ An individual health benefits plan shall not:

11 (1) prohibit, or permit a delegated pharmacy benefits manager to
12 prohibit, a pharmacist from dispensing HIV preexposure
13 prophylaxis or HIV postexposure prophylaxis; and

14 (2) be required to cover HIV preexposure prophylaxis that has
15 been furnished by a pharmacist without an individual prescription
16 pursuant to pursuant to section 2 of P.L. , c. (C.) (pending
17 before the Legislature as this bill) in excess of a **1[60-day] 90-day¹**
18 supply for a single patient within a given two year period.

19 **1[c.] e.¹** Nothing in this section shall be construed to require
20 an individual health benefit plan to provide coverage for HIV
21 preexposure prophylaxis or HIV postexposure prophylaxis
22 furnished by a pharmacist at an out-of-network pharmacy, unless
23 the contract has an out-of-network pharmacy benefit.

24 **1[d.] f.¹** The provisions of this section shall apply to all health
25 benefit plans in which the carrier has reserved the right to change
26 the premium.

27 **1[e.] g.¹** As used in this section:

28 “HIV preexposure prophylaxis” means the same as that term is
29 defined in section 1 of P.L. , c. (C.) (pending before the
30 Legislature as this bill).

31 “HIV postexposure prophylaxis” means the same as that term is
32 defined in section 1 of P.L. , c. (C.) (pending before the
33 Legislature as this bill).

34 “Step therapy” means requiring that a lower-cost alternative to
35 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
36 shown to have been ineffective as a condition of providing
37 prescription benefits.

38

39 9. a. (1) Except as provided in paragraph (2) of this
40 subsection, every small employer health benefits plan that is
41 delivered, issued, executed, or renewed in this State pursuant to
42 P.L.1992, c.162 (C.17B:27A-17 et seq.) or approved for issuance or
43 renewal in this State, on or after the effective date of this act, shall
44 provide benefits to any person covered thereunder for HIV
45 preexposure prophylaxis and HIV postexposure prophylaxis
46 furnished without an individual prescription pursuant to the
47 requirements of section 2 of P.L. , c. (C.) (pending before

1 the Legislature as this bill) without requiring prior authorization or
2 step therapy.

3 (2) If the federal Food and Drug Administration has ¹authorized
4 or¹ approved one or more therapeutic equivalents of a drug, device,
5 or product for the prevention of HIV and AIDS, paragraph (1) of
6 this subsection shall not be construed to require the plan to cover all
7 therapeutically equivalent versions without prior authorization or
8 step therapy, if at least one version is covered without prior
9 authorization or step therapy.

10 b. ¹Reimbursement issued under this section to a pharmacist
11 shall be at a rate that is no less than the rate provided by the small
12 employer health benefits plan to other non-physician practitioners if
13 the reimbursement is for a service or procedure that meets the
14 following criteria:

15 (1) the service or procedure is within the scope of practice of the
16 treating pharmacist; and

17 (2) the service or procedure would otherwise be covered under
18 the plan if provided by a healthcare provider, including a physician,
19 advanced practice nurse, or physician assistant.

20 c. A small employer health benefits plan shall grant a licensed
21 pharmacist receiving reimbursement under this section the same
22 rights of participation, plan admission, and registration as may be
23 granted by the plan to a healthcare provider, including a physician,
24 advanced practice nurse, or physician assistant, who is reimbursed
25 for an identical service.

26 d.¹ A small employer health benefits plan shall not:

27 (1) prohibit, or permit a delegated pharmacy benefits manager to
28 prohibit, a pharmacist from dispensing HIV preexposure
29 prophylaxis or HIV postexposure prophylaxis; and

30 (2) be required to cover HIV preexposure prophylaxis that has
31 been furnished by a pharmacist without an individual prescription
32 pursuant to pursuant to section 2 of P.L. , c. (C.) (pending
33 before the Legislature as this bill) in excess of a ¹【60-day】 90-day¹
34 supply for a single patient within a given two year period.

35 ¹c.】 e.¹ Nothing in this section shall be construed to require a
36 small employer health benefit plan to provide coverage for HIV
37 preexposure prophylaxis or HIV postexposure prophylaxis
38 furnished by a pharmacist at an out-of-network pharmacy, unless
39 the contract has an out-of-network pharmacy benefit.

40 ¹d.】 f.¹ The provisions of this section shall apply to all health
41 benefit plans in which the carrier has reserved the right to change
42 the premium.

43 ¹e.】 g.¹ As used in this section:

44 “HIV preexposure prophylaxis” means the same as that term is
45 defined in section 1 of P.L. , c. (C.) (pending before the
46 Legislature as this bill).

1 “HIV postexposure prophylaxis” means the same as that term is
2 defined in section 1 of P.L. , c. (C.) (pending before the
3 Legislature as this bill).

4 “Step therapy” means requiring that a lower-cost alternative to
5 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
6 shown to have been ineffective as a condition of providing
7 prescription benefits.

8

9 10. a. (1) Except as provided in paragraph (2) of this
10 subsection, notwithstanding any provision of law to the contrary, a
11 certificate of authority to establish and operate a health maintenance
12 organization in this State shall not be issued or continued by the
13 Commissioner of Banking and Insurance on or after the effective
14 date of this act unless the health maintenance organization provides
15 health care services to any enrollee for expenses incurred for HIV
16 preexposure prophylaxis and HIV postexposure prophylaxis
17 furnished without an individual prescription pursuant to the
18 requirements of section 2 of P.L. , c. (C.) (pending before
19 the Legislature as this bill) without requiring prior authorization or
20 step therapy.

21 (2) If the federal Food and Drug Administration has 1authorized
22 or¹ approved one or more therapeutic equivalents of a drug, device,
23 or product for the prevention of HIV and AIDS, paragraph (1) of
24 this subsection shall not be construed to require the plan to cover all
25 therapeutically equivalent versions without prior authorization or
26 step therapy, if at least one version is covered without prior
27 authorization or step therapy.

28 b. 1Reimbursement issued under this section to a pharmacist
29 shall be at a rate that is no less than the rate provided by the health
30 maintenance organization to other non-physician practitioners if the
31 reimbursement is for a service or procedure that meets the
32 following criteria:

33 (1) the service or procedure is within the scope of practice of the
34 treating pharmacist; and

35 (2) the service or procedure would otherwise be covered by the
36 health maintenance organization if provided by a healthcare
37 provider, including a physician, advanced practice nurse, or
38 physician assistant.

39 c. A health maintenance organization shall grant a licensed
40 pharmacist receiving reimbursement under this section the same
41 rights of participation, plan admission, and registration as may be
42 granted by the health maintenance organization to a healthcare
43 provider, including a physician, advanced practice nurse, or
44 physician assistant, who is reimbursed for an identical service.

45 d. ¹ A health maintenance organization shall not:

46 (1) prohibit, or permit a delegated pharmacy benefits manager to
47 prohibit, a pharmacist from dispensing HIV preexposure
48 prophylaxis or HIV postexposure prophylaxis; and

1 (2) be required to cover HIV preexposure prophylaxis that has
2 been furnished by a pharmacist without an individual prescription
3 pursuant to pursuant to section 2 of P.L. , c. (C.) (pending
4 before the Legislature as this bill) in excess of a ¹60-day90-day¹
5 supply for a single patient within a given two year period.

6 ¹c.e.¹ Nothing in this section shall be construed to require a
7 health maintenance organization to provide coverage for HIV
8 preexposure prophylaxis or HIV postexposure prophylaxis
9 furnished by a pharmacist at an out-of-network pharmacy, unless
10 the contract has an out-of-network pharmacy benefit.

11 ¹d.f.¹ The benefits shall be provided to the same extent as
12 for any other medical condition under the contract.

13 ¹e.g.¹ As used in this section:

14 “HIV preexposure prophylaxis” means the same as that term is
15 defined in section 1 of P.L. , c. (C.) (pending before the
16 Legislature as this bill).

17 “HIV postexposure prophylaxis” means the same as that term is
18 defined in section 1 of P.L. , c. (C.) (pending before the
19 Legislature as this bill).

20 “Step therapy” means requiring that a lower-cost alternative to
21 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
22 shown to have been ineffective as a condition of providing
23 prescription benefits.

24

25 11. a. (1) Notwithstanding any State law or regulation to the
26 contrary, and except as provided in paragraph (2) of this subsection,
27 the Department of Human Services shall ensure that the provision
28 of benefits for HIV preexposure prophylaxis and HIV postexposure
29 prophylaxis furnished without an individual prescription pursuant to
30 the requirements of section 2 of P.L. , c. (C.) (pending
31 before the Legislature as this bill) to eligible persons under the
32 Medicaid program, established pursuant to P.L.1968, c.413
33 (C.30:4D-1 et seq.), shall be provided without the imposition of any
34 prior authorization or step therapy requirements.

35 (2) If the federal Food and Drug Administration has ¹authorized
36 or¹ approved one or more therapeutic equivalents of a drug, device,
37 or product for the prevention of HIV and AIDS, paragraph (1) of
38 this subsection shall not be construed to require the department to
39 ensure coverage of all therapeutically equivalent versions without
40 prior authorization or step therapy, if at least one version is covered
41 without prior authorization or step therapy.

42 b. ¹Reimbursement issued under this section to a pharmacist
43 shall be at a rate that is no less than the rate provided by the
44 Department of Human Services to other non-physician practitioners
45 if the reimbursement is for a service or procedure that meets the
46 following criteria:

1 (1) the service or procedure is within the scope of practice of the
2 treating pharmacist; and

3 (2) the service or procedure would otherwise be covered by the
4 department if provided by a healthcare provider, including a
5 physician, advanced practice nurse, or physician assistant.

6 c. The Department of Human Services shall grant a licensed
7 pharmacist receiving reimbursement under this section the same
8 rights of participation, plan admission, and registration as may be
9 granted by the department to a healthcare provider, including a
10 physician, advanced practice nurse, or physician assistant, who is
11 reimbursed for an identical service.

12 d.¹ As used in this section:

13 “HIV preexposure prophylaxis” means the same as that term is
14 defined in section 1 of P.L. , c. (C.) (pending before the
15 Legislature as this bill).

16 “HIV postexposure prophylaxis” means the same as that term is
17 defined in section 1 of P.L. , c. (C.) (pending before the
18 Legislature as this bill).

19 “Step therapy” means requiring that a lower-cost alternative to
20 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
21 shown to have been ineffective as a condition of providing
22 prescription benefits coverage for the prophylaxis.

23

24 12. a. (1) Except as provided in paragraph (2) of this
25 subsection, the State Health Benefits Commission shall provide
26 benefits to each person covered under the State Health Benefits
27 Program for expenses incurred for HIV preexposure prophylaxis
28 and HIV postexposure prophylaxis furnished without an individual
29 prescription pursuant to the requirements of section 2 of P.L. ,
30 c. (C.) (pending before the Legislature as this bill) without
31 requiring prior authorization or step therapy.

32 (2) If the federal Food and Drug Administration has ¹authorized
33 or¹ approved one or more therapeutic equivalents of a drug, device,
34 or product for the prevention of HIV and AIDS, paragraph (1) of
35 this subsection shall not be construed to require the contract to
36 cover all therapeutically equivalent versions without prior
37 authorization or step therapy, if at least one version is covered
38 without prior authorization or step therapy.

39 b. The State Health Benefits Commission shall not:

40 (1) prohibit, or permit a delegated pharmacy benefits manager to
41 prohibit, a pharmacist from dispensing HIV preexposure
42 prophylaxis or HIV postexposure prophylaxis; and

43 (2) be required to cover HIV preexposure prophylaxis that has
44 been furnished by a pharmacist without an individual prescription
45 pursuant to section 2 of P.L. , c. (C.) (pending
46 before the Legislature as this bill) in excess of a ¹【60-day】 90-day¹
47 supply for a single patient within a given two year period.

1 c. Nothing in this section shall be construed to require the State
2 Health Benefits Commission to provide coverage for HIV
3 preexposure prophylaxis or HIV postexposure prophylaxis
4 furnished by a pharmacist at an out-of-network pharmacy, unless
5 the contract has an out-of-network pharmacy benefit.

6 d. The benefits shall be provided to the same extent as for any
7 other medical condition under the contract.

8 e. As used in this section:

9 “HIV preexposure prophylaxis” means the same as that term is
10 defined in section 1 of P.L. , c. (C.) (pending before the
11 Legislature as this bill).

12 “HIV postexposure prophylaxis” means the same as that term is
13 defined in section 1 of P.L. , c. (C.) (pending before the
14 Legislature as this bill).

15 “Step therapy” means requiring that a lower-cost alternative to
16 HIV preexposure prophylaxis or HIV postexposure prophylaxis be
17 shown to have been ineffective as a condition of providing
18 prescription benefits.

19

20 13. The Commissioner of Human Services shall apply for such
21 State plan amendments or waivers as may be necessary to
22 implement the provisions of section 11 of this act and to secure
23 federal financial participation for State Medicaid expenditures
24 under the federal Medicaid program.

25

26 14. a. Within 90 days after the date of enactment of this act, and
27 notwithstanding the provisions of the “Administrative Procedure
28 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the State
29 Board of Pharmacy ²【, in consultation with~~】~~ and² the Department
30 of Health, immediately upon filing proper notice with the Office of
31 Administrative Law, shall ²each² adopt rules and regulations as may
32 be necessary to implement the provisions of this act.

33 b. The rules and regulations adopted pursuant to subsection a.
34 of this section shall be in effect for a period not to exceed one year
35 from the date of filing. These rules and regulations shall thereafter
36 be adopted, amended, or readopted by the board, in consultation
37 with the Department of Health, in accordance with the requirements
38 of the “Administrative Procedure Act,” P.L.1968, c.410
39 (C.52:14B-1 et seq.).

40

41 15. This act shall take effect immediately.