

[Second Reprint]

**SENATE, No. 2019**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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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:**

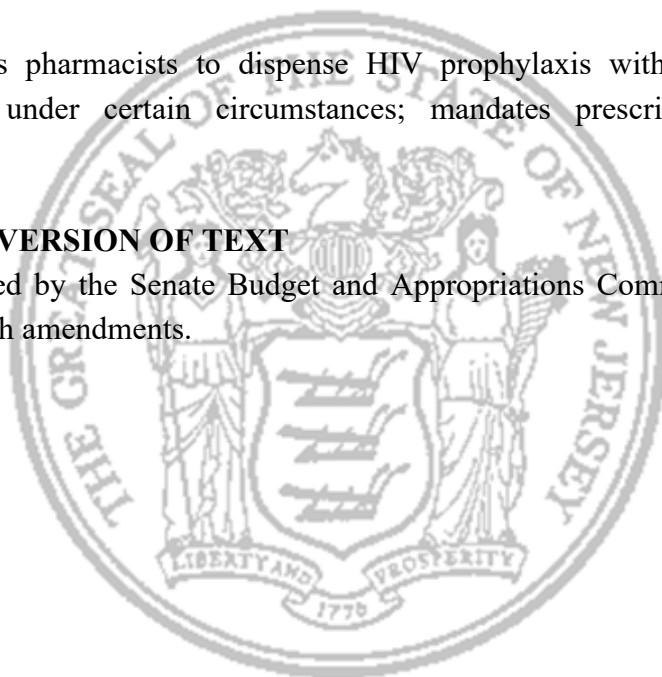
**Senators Turner, McKnight, Ruiz, Cruz-Perez and Assemblywoman McCoy**

**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 <sup>2</sup>[], published by the  
13 federal Centers for Disease Control and Prevention]<sup>2</sup>.

14 “CDC <sup>1</sup>[PrEP] PrEP<sup>1</sup> guidelines” means the “ <sup>2</sup>[2017]<sup>2</sup>  
15 Preexposure Prophylaxis for the Prevention of HIV Infection in the  
16 United States – <sup>2</sup>[2017] 2021<sup>2</sup> Update: A Clinical Practice  
17 Guideline,” or any subsequent guidelines <sup>2</sup>[], published by the  
18 federal Centers for Disease Control and Prevention]<sup>2</sup>.

19 “HIV” means the human immunodeficiency virus.

20 “HIV preexposure prophylaxis” means <sup>1</sup>[a fixed-dose  
21 combination of tenofovir disoproxil fumarate (TDF) (300 mg) with  
22 emtricitabine (FTC) (200 mg), or another] any<sup>1</sup> drug or drug  
23 combination <sup>1</sup>[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 meets<sup>1</sup> the <sup>1</sup>[same]<sup>1</sup>  
26 clinical <sup>1</sup>[eligibility]<sup>1</sup> recommendations <sup>1</sup>, and that is furnished  
27 according to the standards of care,<sup>1</sup> provided in the <sup>1</sup>[CEC PRP]  
28 CDC PrEP<sup>1</sup> guidelines <sup>2</sup>or any subsequent guidelines<sup>2</sup>.

29 “HIV postexposure prophylaxis” means<sup>1</sup>[: 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] any<sup>1</sup> drug or drug  
36 combination <sup>1</sup>[determined by the State Board of Pharmacy to meet]  
37 authorized or approved by the United States Food and Drug  
38 Administration <sup>2</sup>[for the prevention of HIV]<sup>2</sup> that meets<sup>1</sup> the  
39 <sup>1</sup>[same]<sup>1</sup> clinical <sup>1</sup>[eligibility]<sup>1</sup> recommendations <sup>2</sup>for HIV  
40 postexposure prophylaxis<sup>2</sup> <sup>1</sup>, and that is furnished according to the  
41 standards of care,<sup>1</sup> provided in the <sup>1</sup>[CEC PRP] CDC PEP<sup>1</sup>  
42 guidelines <sup>2</sup>or any subsequent guidelines<sup>2</sup>.

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:

<sup>1</sup>Senate SHH committee amendments adopted December 9, 2024.

<sup>2</sup>Senate SBA committee amendments adopted June 26, 2025.

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

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

b. A pharmacist shall not be authorized to furnish HIV preexposure prophylaxis or HIV postexposure prophylaxis to a patient without an individual prescription unless the pharmacist completes a training program, <sup>1</sup>provided by the Department of Health or<sup>1</sup> approved by the <sup>2</sup>**[State Board of Pharmacy]** <sup>1</sup>Department of Health<sup>2</sup> <sup>1</sup>**[in consultation with the Department of Health]**<sup>1</sup>, concerning the use of HIV preexposure prophylaxis and HIV postexposure prophylaxis. At a minimum, the training program shall include information about financial assistance programs available to patients to assist with the costs of HIV preexposure prophylaxis and HIV postexposure prophylaxis.

c. A pharmacist shall furnish at least a 30-day supply, and up to a <sup>1</sup>**[60-day]** 90-day<sup>1</sup> supply, of HIV preexposure prophylaxis to a patient without an individual prescription if the following requirements are met:

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

1 Pub. L. 100-578 (42 U.S.C. s.263a) or<sup>1</sup> order an HIV test. If the  
2 test results are not ordered directly <sup>1</sup>to a by the<sup>1</sup> 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 <sup>1</sup>, to the extent possible,<sup>1</sup>  
15 the patient's prescription monitoring information to confirm no  
16 contraindicated prescriptions have been issued or dispensed <sup>1</sup>by the  
17 treating pharmacist or the pharmacy affiliated with the treating  
18 pharmacist to<sup>1</sup> 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 <sup>1</sup>based on the information provided by the patient to the  
22 pharmacist or the information available in the patient's records<sup>1</sup>;

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 <sup>1</sup>60-day 90-day<sup>1</sup>  
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 <sup>1</sup>standard of care outlined in the<sup>1</sup>  
17 CDC PEP guidelines <sup>2</sup>or any subsequent guidelines<sup>2</sup> ;

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 <sup>2</sup>or any subsequent guidelines<sup>2</sup> ;

23 (3) The pharmacist provides counseling to the patient on the use  
24 of HIV postexposure prophylaxis consistent with the <sup>1</sup>standard of  
25 care outlined in the<sup>1</sup> CDC PEP guidelines <sup>2</sup>or any subsequent  
26 guidelines<sup>2</sup> , 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 <sup>1</sup>or an Internet web link to this information  
42 that the<sup>1</sup> Department of Health shall publish <sup>1</sup>on the department's  
43 Internet website<sup>1</sup> and maintain <sup>1</sup>[a current list of providers]<sup>1</sup> for  
44 pharmacists to use for the purposes of this paragraph<sup>1</sup>, which list  
45 may be made available on the department's Internet website<sup>1</sup>.

46 <sup>1</sup>e. <sup>2</sup>(1)<sup>2</sup> 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 <sup>2</sup>(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.<sup>2</sup>

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.<sup>1</sup>

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 <sup>1</sup>authorized  
34 or<sup>1</sup> 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. <sup>1</sup>Reimbursement 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.<sup>1</sup> 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 <sup>1</sup>**60-day** 90-day<sup>1</sup>  
20    supply for a single patient within a given two year period.

21    <sup>1</sup>**[c.] e.**<sup>1</sup> 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    <sup>1</sup>**[d.] f.**<sup>1</sup> 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    <sup>1</sup>**[e.] g.**<sup>1</sup> 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 <sup>1</sup>authorized  
8 or<sup>1</sup> 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. <sup>1</sup>Reimbursement 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.<sup>1</sup> 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 pursuant to section 2 of P.L. , c. (C. ) (pending  
39 before the Legislature as this bill) in excess of a <sup>1</sup>**60-day** 90-day<sup>1</sup>  
40 supply for a single patient within a given two year period.

41 <sup>1</sup>**[c.] e.**<sup>1</sup> 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       <sup>1</sup>[d.] f.<sup>1</sup> 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       <sup>1</sup>[e.] g.<sup>1</sup> 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 has<sup>1</sup>authorized  
29 or<sup>1</sup> 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. <sup>1</sup>Reimbursement 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.<sup>1</sup> 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 <sup>1</sup>~~60-day~~ 90-day<sup>1</sup>  
14 supply for a single patient within a given two year period.

15 <sup>1</sup>~~[c.] e.~~<sup>1</sup> 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 <sup>1</sup>~~[d.] f.~~<sup>1</sup> 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 <sup>1</sup>~~[e.] g.~~<sup>1</sup> 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.

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

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

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

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

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

d.<sup>1</sup> An individual health insurance policy shall not:

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

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

<sup>1</sup>**【c.】 e.**<sup>1</sup> Nothing in this section shall be construed to require  
 an individual health insurance policy to provide coverage for HIV  
 preexposure prophylaxis or HIV postexposure prophylaxis  
 furnished by a pharmacist at an out-of-network pharmacy, unless  
 the contract has an out-of-network pharmacy benefit.

<sup>1</sup>**【d.】 f.**<sup>1</sup> The provisions of this section shall apply to all  
 policies in which the insurer has reserved the right to change the  
 premium.

<sup>1</sup>**【e.】 g.**<sup>1</sup> As used in this section:

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

“HIV postexposure prophylaxis” means the same as that term is  
 defined in section 1 of P.L. , c. (C. ) (pending before the  
 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 <sup>1</sup>authorized  
19 or<sup>1</sup> 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. <sup>1</sup>Reimbursement 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.<sup>1</sup> 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 pursuant to section 2 of P.L. , c. (C. ) (pending

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

3 <sup>1</sup>~~[c.] e.~~<sup>1</sup> 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 <sup>1</sup>~~[d.] f.~~<sup>1</sup> 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 <sup>1</sup>~~[e.] g.~~<sup>1</sup> 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 <sup>1</sup>authorized  
35 or<sup>1</sup> 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. <sup>1</sup>Reimbursement issued under this section to a pharmacist  
42 shall be at a rate that is no less than the rate provided by the  
43 individual health benefits plan to other non-physician practitioners  
44 if the reimbursement is for a service or procedure that meets the  
45 following criteria:

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

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

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

d.<sup>1</sup> An individual health benefits plan shall not:

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

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

<sup>1</sup>~~[c.] e.~~<sup>1</sup> Nothing in this section shall be construed to require an individual health benefit plan to provide coverage for HIV preexposure prophylaxis or HIV postexposure prophylaxis furnished by a pharmacist at an out-of-network pharmacy, unless the contract has an out-of-network pharmacy benefit.

<sup>1</sup>~~[d.] f.~~<sup>1</sup> The provisions of this section shall apply to all health benefit plans in which the carrier has reserved the right to change the premium.

<sup>1</sup>~~[e.] g.~~<sup>1</sup> As used in this section:

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

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

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

9. a. (1) Except as provided in paragraph (2) of this subsection, every small employer health benefits plan that is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) or approved for issuance or renewal in this State, on or after the effective date of this act, shall provide benefits to any person covered thereunder for HIV preexposure prophylaxis and HIV postexposure prophylaxis furnished without an individual prescription pursuant to the 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 <sup>1</sup>authorized  
4 or<sup>1</sup> 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. <sup>1</sup>Reimbursement 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.<sup>1</sup> 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 <sup>1</sup>**60-day** 90-day<sup>1</sup>  
34 supply for a single patient within a given two year period.

35 <sup>1</sup>**[c.] e.**<sup>1</sup> 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 <sup>1</sup>**[d.] f.**<sup>1</sup> 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 <sup>1</sup>**[e.] g.**<sup>1</sup> 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 <sup>1</sup>authorized  
22 or<sup>1</sup> 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. <sup>1</sup>Reimbursement 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.<sup>1</sup> 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



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

<sup>1</sup>~~[c.] e.~~<sup>1</sup> Nothing in this section shall be construed to require a health maintenance organization to provide coverage for HIV preexposure prophylaxis or HIV postexposure prophylaxis furnished by a pharmacist at an out-of-network pharmacy, unless the contract has an out-of-network pharmacy benefit.

<sup>1</sup>~~[d.] f.~~<sup>1</sup> The benefits shall be provided to the same extent as for any other medical condition under the contract.

<sup>1</sup>~~[e.] g.~~<sup>1</sup> As used in this section:

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

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

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

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

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

b. <sup>1</sup>Reimbursement issued under this section to a pharmacist shall be at a rate that is no less than the rate provided by the Department of Human Services to other non-physician practitioners if the reimbursement is for a service or procedure that meets the 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.<sup>1</sup> 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 <sup>1</sup>authorized  
 33    or<sup>1</sup> 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 pursuant to section 2 of P.L. , c. (C. ) (pending  
 46    before the Legislature as this bill) in excess of a <sup>1</sup>**[60-day]** 90-day<sup>1</sup>  
 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 <sup>2</sup>[, in consultation with] and<sup>2</sup> the Department  
30 of Health, immediately upon filing proper notice with the Office of  
31 Administrative Law, shall <sup>2</sup>each<sup>2</sup> 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.