

§§1
C.45:14-67.12 and
Note to §§3-12
§2
C.45:14-67.13
§3
C.17:48-6aaa
§4
C.17:48A-7xx
§5
C.17:48E-35.51
§6
C.17B:26-2.1tt
§7
C.17B:27-46.1zz
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C.17B:27A-7.35
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C.17B:27A-19.39
§10
C.26:2J-4.52
§§11, 13
C.30:4D-6z
and 30:4D-6aa
§12
C.52:14-17.29oo
§14
Note to §§2-12

P.L. 2025, CHAPTER 196, *approved January 9, 2026*
Senate, No. 2019 (*Second Reprint*)

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 .

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

6 “HIV” means the human immunodeficiency virus.

7 “HIV preexposure prophylaxis” means ¹**[a** fixed-dose
 8 combination of tenofovir disoproxil fumarate (TDF) (300 mg) with
 9 emtricitabine (FTC) (200 mg), or another] any¹ drug or drug
 10 combination ¹**[determined by the State Board of Pharmacy to meet]**
 11 authorized or approved by the United States Food and Drug
 12 Administration for the prevention of HIV that meets¹ the ¹**[same]**¹
 13 clinical ¹**[eligibility]**¹ recommendations ¹, and that is furnished
 14 according to the standards of care,¹ provided in the ¹**[CEC PReP]**
 15 CDC PrEP¹ guidelines ²or any subsequent guidelines² .

16 “HIV postexposure prophylaxis” means¹**[**: tenofovir disoproxil
 17 fumarate (TDF) (300 mg) with emtricitabine (FTC) (200 mg), taken
 18 once daily, in combination with either raltegravir (400mg), taken
 19 twice daily, or dolutegravir (50mg), taken once daily; tenofovir
 20 disoproxil fumarate (TDF) (300 mg) with emtricitabine (FTC) (200
 21 mg), taken once daily, in combination with darunavir (800mg) and
 22 ritonavir (100mg), taken once daily; 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 ²**[for the prevention of HIV]**² that meets¹ the
 26 ¹**[same]**¹ clinical ¹**[eligibility]**¹ recommendations ²for HIV
 27 postexposure prophylaxis² ¹, and that is furnished according to the
 28 standards of care,¹ provided in the ¹**[CEC PRP]** CDC PEP¹
 29 guidelines ²or any subsequent guidelines² .

30 ²“Standards of care” means the care of a pharmacist ordering and
 31 providing HIV preexposure prophylaxis or HIV postexposure
 32 prophylaxis services as determined by the circumstances that
 33 present in practice, which care meets the same standard of care
 34 provided by other qualified health care professional in the same or
 35 similar setting.²
 36

37 2. a. Notwithstanding any other provision of law to the
 38 contrary, a pharmacist may initiate and furnish HIV preexposure
 39 prophylaxis or HIV postexposure prophylaxis to a patient without
 40 an individual prescription pursuant to a standing order issued to the
 41 pharmacist by the Commissioner of Health or, if the commissioner
 42 is not a duly licensed physician, the Deputy Commissioner for
 43 Public Health Services. A standing order shall be issued to a
 44 pharmacist upon request, provided that the pharmacist satisfies the
 45 training requirements set forth in subsection b. of this section and
 46 certifies that the pharmacist will adhere to the requirements set

1 forth in subsection c. of this section concerning the protocols for
2 initiating and furnishing HIV preexposure prophylaxis and the
3 requirements set forth in subsection d. of this section concerning the
4 protocols for initiating and furnishing HIV postexposure
5 prophylaxis to patients without an individual prescription. In no
6 case shall a patient be authorized to waive the consultation required
7 pursuant to subsection c. or subsection d. of this section.

8 b. A pharmacist shall not be authorized to furnish HIV
9 preexposure prophylaxis or HIV postexposure prophylaxis to a
10 patient without an individual prescription unless the pharmacist
11 completes a training program, ¹provided by the Department of
12 Health or¹ approved by the ²**State Board of Pharmacy**
13 Department of Health² ¹**in consultation with the Department of**
14 **Health**¹, concerning the use of HIV preexposure prophylaxis and
15 HIV postexposure prophylaxis. At a minimum, the training
16 program shall include information about financial assistance
17 programs available to patients to assist with the costs of HIV
18 preexposure prophylaxis and HIV postexposure prophylaxis.

19 c. A pharmacist shall furnish at least a 30-day supply, and up
20 to a ¹**60-day** 90-day¹ supply, of HIV preexposure prophylaxis to
21 a patient without an individual prescription if the following
22 requirements are met:

23 (1) The patient is HIV-negative, as documented by a negative
24 HIV test result obtained within the previous seven days from an
25 HIV antigen/antibody test or antibody-only test or from a rapid,
26 point-of-care fingerstick blood test approved by the federal Food
27 and Drug Administration. If the patient does not provide evidence
28 of a negative HIV test in accordance with this paragraph, the
29 pharmacist shall ¹administer an HIV test waived under the federal
30 "Clinical Laboratory Improvement Amendments of 1988 (CLIA),"
31 Pub. L. 100-578 (42 U.S.C. s.263a) or¹ order an HIV test. If the
32 test results are not ordered directly ¹**to a** by the¹ pharmacist, the
33 pharmacist shall verify the test results to the pharmacist's
34 satisfaction. If the patient tests positive for HIV infection, the
35 pharmacist or person administering the test shall direct the patient
36 to a primary care provider, provide the patient with information and
37 resources concerning treatment providers and HIV treatment clinics
38 in the region, and take all other actions required under State and
39 federal law in response to a positive test for HIV;

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

43 (3) The patient does not report taking any contraindicated
44 medications, and the pharmacist reviews ¹, to the extent possible,¹
45 the patient's prescription monitoring information to confirm no
46 contraindicated prescriptions have been issued or dispensed ¹by the

1 treating pharmacist or the pharmacy affiliated with the treating
2 pharmacist to¹ the patient in the past six months;

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

7 (5) The pharmacist provides counseling to the patient on the
8 ongoing use of HIV preexposure prophylaxis, which may include
9 education about side effects, safety during pregnancy and
10 breastfeeding, adherence to recommended dosing, and the
11 importance of timely testing and treatment, as applicable, for HIV,
12 renal function, hepatitis B, hepatitis C, sexually transmitted
13 diseases, and pregnancy for individuals of child-bearing capacity.
14 The pharmacist shall notify the patient that the patient will not be
15 eligible to continue receiving HIV preexposure prophylaxis unless
16 the patient is seen by a primary care provider and issued a
17 prescription for the HIV preexposure prophylaxis, and that the
18 patient may be furnished with no more than a **'[60-day] 90-day'**¹
19 supply of HIV preexposure prophylaxis by a pharmacist without an
20 individual prescription within any given two year period;

21 (6) The pharmacist documents, to the extent possible, the
22 services provided by the pharmacist in the patient's record in the
23 record system maintained by the pharmacy, and includes the
24 dispensation of the HIV preexposure prophylaxis in the prescription
25 monitoring database established pursuant to P.L.2007, c.244
26 (C.45:1-45 et al.) with a note indicating the HIV preexposure
27 prophylaxis was provided without an individual prescription
28 pursuant to this section; and

29 (7) The pharmacist notifies the patient's primary care provider
30 that the pharmacist furnished the patient with HIV preexposure
31 prophylaxis pursuant to this section. If the patient does not have a
32 primary care provider, or refuses to consent to the pharmacist
33 providing notice to the primary care provider pursuant to this
34 paragraph, the pharmacist shall provide the patient with a list of
35 physicians and surgeons, clinics, or other health care service
36 providers to contact regarding ongoing care for HIV preexposure
37 prophylaxis. The Department of Health shall publish and maintain
38 a current list of providers for pharmacists to use for the purposes of
39 this paragraph, which list may be made available on the
40 department's Internet website.

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

44 (1) The pharmacist confirms with the patient that the exposure
45 to HIV occurred within the previous 72 hours and the patient
46 otherwise meets the clinical criteria for HIV postexposure

1 prophylaxis consistent with the ¹standard of care outlined in the¹
2 CDC PEP guidelines ²or any subsequent guidelines² ;

3 (2) The pharmacist provides HIV testing that is classified as
4 waived under the federal “Clinical Laboratory Improvement
5 Amendments of 1988,” 42 U.S.C. s.263a, or determines the patient
6 is willing to undergo HIV testing consistent with the CDC PEP
7 guidelines ²or any subsequent guidelines² ;

8 (3) The pharmacist provides counseling to the patient on the use
9 of HIV postexposure prophylaxis consistent with the ¹standard of
10 care outlined in the¹ CDC PEP guidelines ²or any subsequent
11 guidelines² , which may include education about side effects, safety
12 during pregnancy and breastfeeding, adherence to recommended
13 dosing, and the importance of timely testing and treatment, as
14 applicable, for HIV and sexually transmitted diseases. The
15 pharmacist shall additionally inform the patient of the availability
16 of HIV preexposure prophylaxis for persons who are at substantial
17 risk of acquiring HIV; and

18 (4) The pharmacist notifies the patient’s primary care provider
19 that the pharmacist provided the patient with a complete course of
20 HIV postexposure prophylaxis. If the patient does not have a
21 primary care provider, or refuses to consent to the pharmacist
22 providing notice to the primary care provider pursuant to this
23 paragraph, the pharmacist shall provide the patient with a list of
24 physicians and surgeons, clinics, or other health care service
25 providers to contact regarding followup care for HIV postexposure
26 prophylaxis ¹【. The】 or an Internet web link to this information
27 that the¹ Department of Health shall publish ¹on the department’s
28 Internet website¹ and maintain ¹【a current list of providers】¹ for
29 pharmacists to use for the purposes of this paragraph¹【, which list
30 may be made available on the department’s Internet website】¹.

31 ¹e. ²(1)² A pharmacist ordering or providing HIV preexposure
32 prophylaxis or HIV postexposure prophylaxis under this section
33 shall be required to do so according to the same standards of care
34 required under the CDC PEP guidelines or the CDC PrEP
35 guidelines, as applicable, for a physician or other health care
36 professional ordering or providing the identical service.

37 ²(2) In the event that the CDC PEP guidelines or the CDC PrEP
38 guidelines are unavailable, the Department of Health shall
39 implement a process for establishing guidelines for pharmacists to
40 order or provide HIV preexposure prophylaxis or HIV postexposure
41 prophylaxis under this section in accordance to the same standards
42 of care, as applicable, for a physician or other health care
43 professional ordering or providing the identical service.²

44 f. A licensed pharmacist who, in good faith, tests, furnishes or
45 provides a patient care related to HIV preexposure prophylaxis and
46 HIV postexposure prophylaxis pursuant to this section and based on
47 information provided by said patient or the patient's legal

1 representative shall not be subject to civil liability, criminal
2 prosecution, disciplinary action, or other adverse action under any
3 professional licensing statute for any injury or damages resulting
4 from reliance on such information.¹

5
6 3. a. (1) Except as provided in paragraph (2) of this
7 subsection, no group or individual hospital service corporation
8 contract providing hospital or medical expense benefits shall be
9 delivered, issued, executed, or renewed in this State or approved for
10 issuance or renewal in this State by the Commissioner of Banking
11 and Insurance, on or after the effective date of this act, unless the
12 contract provides benefits to any subscriber or other person covered
13 thereunder for HIV preexposure prophylaxis and HIV postexposure
14 prophylaxis furnished without an individual prescription pursuant to
15 the requirements of section 2 of P.L. , c. (C.) (pending
16 before the Legislature as this bill) without requiring prior
17 authorization or step therapy.

18 (2) If the federal Food and Drug Administration has ¹authorized
19 or¹ 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 contract to
22 cover all therapeutically equivalent versions without prior
23 authorization or step therapy, if at least one version is covered
24 without prior 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 or individual hospital service corporation contract to other non-
28 physician practitioners if the reimbursement is for a service or
29 procedure that meets the 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 contract if provided by a healthcare provider, including a
34 physician, advanced practice nurse, or physician assistant.

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

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

44 (1) prohibit, or permit a delegated pharmacy benefits manager to
45 prohibit, a pharmacist from dispensing HIV preexposure
46 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 ¹~~60-day~~ 90-day¹ supply for a single patient within a given two year period.

¹~~[c.] e.~~¹ Nothing in this section shall be construed to require a contract offered by a group or individual hospital service corporation 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.

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

¹~~[e.] g.~~¹ 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 coverage for the prophylaxis.

4. a. (1) Except as provided in paragraph (2) of this subsection, no group or individual medical service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed, or renewed in this State or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, unless the contract provides benefits to any subscriber or other 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 the Legislature as this bill) without requiring prior authorization or step therapy.

(2) If the federal Food and Drug Administration has ¹authorized or¹ 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 contract 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. ¹Reimbursement issued under this section to a pharmacist shall be at a rate that is no less than the rate provided by the group

1 or individual medical service corporation contract to other non-
2 physician practitioners if the reimbursement is for a service or
3 procedure that meets the following criteria:

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

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

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

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

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

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

26 ¹**[c.] e.**¹ Nothing in this section shall be construed to require a
27 contract offered by a group or individual medical service
28 corporation to provide coverage for HIV preexposure prophylaxis
29 or HIV postexposure prophylaxis furnished by a pharmacist at an
30 out-of-network pharmacy, unless the contract has an out-of-network
31 pharmacy benefit.

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

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

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

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

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

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

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

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

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

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

30 c. A contract offered by a group or individual health service
31 corporation shall grant a licensed pharmacist receiving
32 reimbursement under this section the same rights of participation,
33 plan admission, and registration as may be granted by the contract to
34 a healthcare provider, including a physician, advanced practice
35 nurse, or physician assistant, who is reimbursed for an identical
36 service.

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

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

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

1 ¹**[c.] e.**¹ Nothing in this section shall be construed to require a
2 contract offered by a health service corporation to provide coverage
3 for HIV 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 ¹**[d.] f.**¹ The provisions of this section shall apply to all
7 contracts in which the health service corporation has reserved the
8 right to change the premium.

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

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

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

20

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

33 (2) If the federal Food and Drug Administration has¹authorized
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 policy to cover
37 all therapeutically equivalent versions without prior authorization or
38 step therapy, if at least one version is covered without prior
39 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
42 individual health insurance policy to other non-physician
43 practitioners if the reimbursement is for a service or procedure that
44 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 policy if provided by a healthcare provider, including a
 3 physician, advanced practice nurse, or physician assistant.

4 c. An individual health insurance policy 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 policy to a healthcare provider, including a
 8 physician, advanced practice nurse, or physician assistant, who is
 9 reimbursed for an identical service.

10 d.¹ An individual health insurance policy 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 insurance policy 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
 25 policies in which the insurer has reserved the right to change the
 26 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 coverage for the prophylaxis.

38
 39 7. a. (1) Except as provided in paragraph (2) of this
 40 subsection, no group health insurance policy providing hospital or
 41 medical expense benefits shall be delivered, issued, executed, or
 42 renewed in this State or approved for issuance or renewal in this
 43 State by the Commissioner of Banking and Insurance, on or after
 44 the effective date of this act, unless the policy provides benefits to
 45 any named insured or other person covered thereunder for HIV
 46 preexposure prophylaxis and HIV postexposure prophylaxis
 47 furnished without an individual prescription pursuant to the

1 requirements of section 2 of P.L. , c. (C.) (pending before
 2 the Legislature as this bill) without requiring prior authorization or
 3 step therapy.

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

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

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

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

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

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

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

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

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

41 ¹【d.】 f.¹ The provisions of this section shall apply to all
 42 policies in which the insurer has reserved the right to change the
 43 premium.

44 ¹【e.】 g.¹ As used in this section:

45 “HIV preexposure 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 “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 8. a. (1) Except as provided in paragraph (2) of this
10 subsection, every individual health benefits plan that is delivered,
11 issued, executed, or renewed in this State pursuant to P.L.1992,
12 c.161 (C.17B:27A-2 et seq.) or approved for issuance or renewal in
13 this State, on or after the effective date of this act, shall provide
14 benefits to any person covered thereunder for expenses incurred for
15 HIV preexposure prophylaxis and HIV postexposure prophylaxis
16 furnished without an individual prescription pursuant to the
17 requirements of section 2 of P.L. , c. (C.) (pending before
18 the Legislature as this bill) without requiring prior authorization or
19 step therapy.

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

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

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

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

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

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

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

47 (2) be required to cover HIV preexposure prophylaxis that has
48 been furnished by a pharmacist without an individual prescription

1 pursuant to pursuant to section 2 of P.L. , c. (C.) (pending
 2 before the Legislature as this bill) in excess of a ¹~~60-day~~ 90-day¹
 3 supply for a single patient within a given two year period.

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

9 ¹~~1~~¹ d. The provisions of this section shall apply to all health
 10 benefit plans in which the carrier has reserved the right to change
 11 the premium.

12 ¹~~1~~¹ e. 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.

23
 24 9. a. (1) Except as provided in paragraph (2) of this
 25 subsection, every small employer health benefits plan that is
 26 delivered, issued, executed, or renewed in this State pursuant to
 27 P.L.1992, c.162 (C.17B:27A-17 et seq.) or approved for issuance or
 28 renewal in this State, on or after the effective date of this act, shall
 29 provide benefits to any person covered thereunder for HIV
 30 preexposure prophylaxis and HIV postexposure prophylaxis
 31 furnished without an individual prescription pursuant to the
 32 requirements of section 2 of P.L. , c. (C.) (pending before
 33 the Legislature as this bill) without requiring prior authorization or
 34 step therapy.

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 plan to cover all
 39 therapeutically equivalent versions without prior authorization or
 40 step therapy, if at least one version is covered without prior
 41 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 small
 44 employer health benefits plan to other non-physician practitioners if
 45 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 under
 4 the plan if provided by a healthcare provider, including a physician,
 5 advanced practice nurse, or physician assistant.

6 c. A small employer health benefits plan 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 plan to a healthcare provider, including a physician,
 10 advanced practice nurse, or physician assistant, who is reimbursed
 11 for an identical service.

12 d.¹ A small employer health benefits plan 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 ¹**[c.] e.¹** Nothing in this section shall be construed to require a
 22 small employer health benefit plan to provide coverage for HIV
 23 preexposure prophylaxis or HIV postexposure prophylaxis
 24 furnished by a pharmacist at an out-of-network pharmacy, unless
 25 the contract has an out-of-network pharmacy benefit.

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

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

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

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

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

40
 41 10. a. (1) Except as provided in paragraph (2) of this
 42 subsection, notwithstanding any provision of law to the contrary, a
 43 certificate of authority to establish and operate a health maintenance
 44 organization in this State shall not be issued or continued by the
 45 Commissioner of Banking and Insurance on or after the effective
 46 date of this act unless the health maintenance organization provides
 47 health care services to any enrollee for expenses incurred for HIV

1 preexposure prophylaxis and HIV postexposure prophylaxis
2 furnished without an individual prescription pursuant to the
3 requirements of section 2 of P.L. , c. (C.) (pending before
4 the Legislature as this bill) without requiring prior authorization or
5 step therapy.

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

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

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

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

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

30 d.¹ A health maintenance organization shall not:

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

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

39 ¹**[c.] e.**¹ Nothing in this section shall be construed to require a
40 health maintenance organization to provide coverage for HIV
41 preexposure prophylaxis or HIV postexposure prophylaxis
42 furnished by a pharmacist at an out-of-network pharmacy, unless
43 the contract has an out-of-network pharmacy benefit.

44 ¹**[d.] f.**¹ The benefits shall be provided to the same extent as
45 for any other medical condition under the contract.

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

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

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

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

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

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

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

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

39 c. The Department of Human Services 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 department to a healthcare provider, including a
43 physician, advanced practice nurse, or physician assistant, who is
44 reimbursed for an identical service.

45 d.¹ As used in this section:

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

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

11
12 12. a. (1) Except as provided in paragraph (2) of this
13 subsection, the State Health Benefits Commission shall provide
14 benefits to each person covered under the State Health Benefits
15 Program for expenses incurred for HIV preexposure prophylaxis
16 and HIV postexposure prophylaxis furnished without an individual
17 prescription pursuant to the requirements of section 2 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill) without
19 requiring prior authorization or step therapy.

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

27 b. The State Health Benefits Commission shall not:

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

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

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

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

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

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

22 b. The rules and regulations adopted pursuant to subsection a.
23 of this section shall be in effect for a period not to exceed one year
24 from the date of filing. These rules and regulations shall thereafter
25 be adopted, amended, or readopted by the board, in consultation
26 with the Department of Health, in accordance with the requirements
27 of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
28 1 et seq.).

29
30 15. This act shall take effect immediately.

31
32
33 _____
34
35 Authorizes pharmacists to dispense HIV prophylaxis without
36 individual prescription under certain circumstances; mandates
37 prescription benefits coverage.