

By Senator Jones

34-01510-23

2023818__

1 A bill to be entitled
2 An act relating to HIV infection prevention drugs;
3 creating s. 465.1861, F.S.; defining terms;
4 authorizing licensed pharmacists to screen for HIV
5 exposure and order and dispense HIV infection
6 prevention drugs in accordance with a certain written
7 supervisory protocol or statewide drug therapy
8 protocol; requiring pharmacists to be certified by the
9 Board of Pharmacy before ordering and dispensing HIV
10 infection prevention drugs; requiring the board, in
11 consultation with the Board of Medicine and the Board
12 of Osteopathic Medicine, to adopt rules for such
13 certification; specifying minimum requirements for the
14 certification; requiring the board, in consultation
15 with the Board of Medicine, the Board of Osteopathic
16 Medicine, and the Department of Health, to develop a
17 certain statewide drug therapy protocol; providing
18 requirements for development of the protocol;
19 requiring the board to adopt rules, including
20 specified rules; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 465.1861, Florida Statutes, is created
25 to read:

26 465.1861 Ordering and dispensing HIV infection prevention
27 drugs.-

28 (1) As used in this section, the term:

29 (a) "HIV" means the human immunodeficiency virus.

34-01510-23

2023818__

30 (b) "HIV infection prevention drug" means preexposure
31 prophylaxis, postexposure prophylaxis, and any other drug
32 approved by the United States Food and Drug Administration for
33 the prevention of HIV infection.

34 (c) "Postexposure prophylaxis" means a drug or drug
35 combination that meets the clinical eligibility recommendations
36 of the United States Centers for Disease Control and Prevention
37 guidelines for antiretroviral treatment following potential
38 exposure to HIV.

39 (d) "Preexposure prophylaxis" means a drug or drug
40 combination that meets the clinical eligibility recommendations
41 of the United States Centers for Disease Control and Prevention
42 guidelines for antiretroviral treatment for the prevention of
43 HIV transmission.

44 (2) A pharmacist may screen for HIV exposure and order and
45 dispense HIV infection prevention drugs in accordance with a
46 written protocol between the pharmacist and a supervising
47 physician or a statewide drug therapy protocol developed
48 pursuant to subsection (4).

49 (3) Before ordering or dispensing HIV infection prevention
50 drugs under this section, a pharmacist must be certified by the
51 board, according to the rules adopted by the board, in
52 consultation with the Board of Medicine and the Board of
53 Osteopathic Medicine. To be certified, a pharmacist must, at a
54 minimum, meet all of the following criteria:

55 (a) Hold an active and unencumbered license to practice
56 pharmacy under this chapter.

57 (b) Be engaged in the active practice of pharmacy.

58 (c) Have earned a doctorate of pharmacy degree or have

34-01510-23

2023818__

59 completed at least 5 years of experience as a licensed
60 pharmacist.

61 (d) Maintain at least \$250,000 of liability coverage. A
62 pharmacist who maintains liability coverage pursuant to s.
63 465.1865 or s. 465.1895 satisfies this requirement.

64 (e) Have completed a course approved by the board, in
65 consultation with the Board of Medicine and the Board of
66 Osteopathic Medicine, which includes, at a minimum, instruction
67 on all of the following:

68 1. Performance of patient assessments.

69 2. Point-of-care testing procedures.

70 3. Safe and effective treatment of HIV exposure with HIV
71 infection prevention drugs.

72 4. Identification of contraindications.

73 (4) The board, in consultation with the Board of Medicine,
74 the Board of Osteopathic Medicine, and the department, shall
75 develop a statewide drug therapy protocol for pharmacists to
76 test or screen for HIV exposure and order and dispense HIV
77 infection prevention drugs. In development of the statewide drug
78 therapy protocol, the board must consider, at a minimum, all of
79 the following:

80 (a) Physician referrals.

81 (b) Lab testing, including prescribing HIV preexposure and
82 postexposure screening tests.

83 (c) Appropriate referrals consistent with guidelines of the
84 United States Centers for Disease Control and Prevention.

85 (d) Counseling consistent with guidelines of the United
86 States Centers for Disease Control and Prevention.

87 (e) Patient follow-up care and counseling.

34-01510-23

2023818__

88 (5) The board shall adopt rules to implement this section,
89 including rules that establish protocols for ordering and
90 dispensing HIV infection prevention drugs.

91 Section 2. This act shall take effect July 1, 2023.