

By the Appropriations Committee on Health and Human Services;  
the Committee on Health Policy; and Senator Calatayud

603-03116-24

20241320c2

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 pharmacists to screen adults for HIV  
5       exposure and provide the results to such adults, with  
6       advice to seek consultation or treatment from a  
7       physician; authorizing pharmacists to dispense HIV  
8       preexposure prophylaxis drugs only pursuant to a  
9       prescription; authorizing pharmacists to order and  
10      dispense HIV postexposure prophylaxis drugs only  
11      pursuant to a written collaborative practice agreement  
12      with a physician; defining the term "geographic area";  
13      specifying requirements for the practice agreements;  
14      requiring the supervising physician to review the  
15      pharmacist's actions in accordance with the practice  
16      agreement; requiring pharmacists who enter into such  
17      practice agreements to submit the agreements to the  
18      Board of Pharmacy; requiring pharmacists who enter  
19      into such practice agreements to provide evidence of  
20      certain certification to their supervising physician;  
21      requiring such pharmacists to provide certain written  
22      information when dispensing such drugs to patients;  
23      requiring pharmacists to comply with certain  
24      procedures under certain circumstances; requiring that  
25      pharmacists, before ordering and dispensing HIV  
26      postexposure prophylaxis drugs, be certified by the  
27      Board of Pharmacy in accordance with rules adopted by  
28      the board and approved by the Board of Medicine and  
29      the Board of Osteopathic Medicine; specifying minimum

603-03116-24

20241320c2

30 requirements for the certification; requiring the  
31 board to adopt by rule certain minimum standards to  
32 ensure that pharmacies providing adult screenings for  
33 HIV exposure submit to the Department of Health for  
34 approval an access-to-care plan (ACP) for a specified  
35 purpose; specifying requirements for ACPs; requiring  
36 that, beginning on a specified date, such ACPs be  
37 approved before a license may be issued or renewed;  
38 requiring such pharmacies to submit specified data to  
39 the department as part of the licensure renewal  
40 process and, or as directed by the department, before  
41 each licensure renewal; requiring the board to adopt  
42 rules; providing an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Section 465.1861, Florida Statutes, is created  
47 to read:

48 465.1861 Ordering and dispensing HIV drugs.—

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

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

51 (b) "HIV infection prevention drug" means preexposure  
52 prophylaxis, postexposure prophylaxis, and any other drug  
53 approved by the United States Food and Drug Administration for  
54 the prevention of HIV infection as of March 8, 2024.

55 (c) "HIV postexposure prophylaxis drug" means a drug or  
56 drug combination that meets the clinical eligibility  
57 recommendations of the United States Centers for Disease Control  
58 and Prevention guidelines for antiretroviral treatment following

603-03116-24

20241320c2

59 potential exposure to HIV issued as of March 8, 2024.

60 (d) "HIV preexposure prophylaxis drug" means a drug or drug  
61 combination that meets the clinical eligibility recommendations  
62 of the United States Centers for Disease Control and Prevention  
63 guidelines for antiretroviral treatment for the prevention of  
64 HIV transmission issued as of March 8, 2024.

65 (2) A pharmacist may screen an adult for HIV exposure and  
66 provide the results to that adult, with the advice that the  
67 patient should seek further medical consultation or treatment  
68 from a physician.

69 (3) A pharmacist may dispense HIV preexposure prophylaxis  
70 drugs only pursuant to a valid prescription issued by a licensed  
71 health care practitioner authorized by the laws of this state to  
72 prescribe such drugs.

73 (4) A pharmacist may order and dispense HIV postexposure  
74 prophylaxis drugs only pursuant to a written collaborative  
75 practice agreement between the pharmacist and a physician  
76 licensed under chapter 458 or chapter 459 who practices medicine  
77 or osteopathic medicine in the same geographic area as the  
78 pharmacist. As used in this subsection, the term "geographic  
79 area" means the county or counties, or any portion of the county  
80 or counties, within which the pharmacist and the physician  
81 provide health care services.

82 (a) The written collaborative practice agreement must  
83 include particular terms and conditions imposed by the  
84 supervising physician relating to the screening for HIV and the  
85 ordering and dispensing of HIV postexposure prophylaxis drugs  
86 under this section. The terms and conditions of the practice  
87 agreement must be appropriate for the pharmacist's training, and

603-03116-24

20241320c2

88 the supervising physician is responsible for reviewing the  
89 pharmacist's actions in accordance with the practice agreement.  
90 A pharmacist who enters into such a practice agreement with a  
91 supervising physician must submit the agreement to the board.

92 (b) At a minimum, a written collaborative practice  
93 agreement must include all of the following:

94 1. Specific categories of patients the pharmacist is  
95 authorized to screen for HIV and for whom the pharmacist may  
96 order and dispense HIV postexposure prophylaxis drugs.

97 2. The physician's instructions for obtaining relevant  
98 patient medical history for the purpose of identifying  
99 disqualifying health conditions, adverse reactions, and  
100 contraindications to the use of HIV postexposure prophylaxis  
101 drugs.

102 3. A requirement that the pharmacist maintain records for  
103 any HIV postexposure prophylaxis drugs ordered and dispensed  
104 under the collaborative practice agreement.

105 4. A process and schedule for the physician to review the  
106 pharmacist's records and actions under the collaborative  
107 practice agreement.

108 5. Any other requirements as established by the board, with  
109 the approval of the Board of Medicine and the Board of  
110 Osteopathic Medicine.

111 (c) A pharmacist authorized to screen for HIV and order and  
112 dispense HIV postexposure prophylaxis drugs pursuant to a  
113 written collaborative practice agreement must provide his or her  
114 supervising physician with evidence of current certification by  
115 the board as provided in subsection (6).

116 (5) A pharmacist who orders and dispenses HIV postexposure

603-03116-24

20241320c2

117 prophylaxis drugs pursuant to subsection (4) must provide the  
118 patient with written information advising the patient to seek  
119 follow-up care from his or her primary care physician. If the  
120 patient indicates that he or she lacks regular access to primary  
121 care, the pharmacist must comply with the procedures of the  
122 pharmacy's approved access-to-care plan as provided in  
123 subsection (7).

124 (6) Before ordering or dispensing HIV postexposure  
125 prophylaxis drugs under this section, a pharmacist must be  
126 certified by the board, according to the rules adopted by the  
127 board and approved by the Board of Medicine and the Board of  
128 Osteopathic Medicine. To be certified, a pharmacist must, at a  
129 minimum, meet all of the following criteria:

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

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

133 (c) Have earned a degree of doctor of pharmacy or have  
134 completed at least 3 years of experience as a licensed  
135 pharmacist.

136 (d) Maintain at least \$250,000 of liability coverage. A  
137 pharmacist who maintains liability coverage pursuant to s.  
138 465.1865 or s. 465.1895 satisfies this requirement.

139 (e) Have completed a course approved by the board, in  
140 consultation with the Board of Medicine and the Board of  
141 Osteopathic Medicine, which includes, at a minimum, instruction  
142 on all of the following:

143 1. Performance of patient assessments.

144 2. Point-of-care testing procedures.

145 3. Safe and effective treatment of HIV exposure with HIV

603-03116-24

20241320c2

146 infection prevention drugs, including, but not limited to,  
147 consideration of the side effects of the drug dispensed and the  
148 patient's diet and activity levels.

149 4. Identification of contraindications.

150 5. Identification of patient comorbidities in individuals  
151 with HIV requiring further medical evaluation and treatment,  
152 including, but not limited to, cardiovascular disease, lung and  
153 liver cancer, chronic obstructive lung disease, and diabetes  
154 mellitus.

155 (7) The board shall adopt by rule reasonable and fair  
156 minimum standards to ensure that all pharmacies that provide  
157 adult screening for HIV exposure submit to the department for  
158 approval an access-to-care plan (ACP) for assisting patients to  
159 gain access to appropriate care settings when they present to  
160 the pharmacy for HIV screening and indicate that they lack  
161 regular access to primary care.

162 (a) An ACP must include:

163 1. Procedures to educate such patients about care that  
164 would be best provided in a primary care setting and the  
165 importance of receiving regular primary care.

166 2. A collaborative partnership with one or more nearby  
167 federally qualified health centers, county health departments,  
168 or other primary care settings. The goals of such partnership  
169 must include, but need not be limited to, identifying patients  
170 who have presented to the pharmacy for HIV screening or access  
171 to HIV infection prevention drugs, and, if such a patient  
172 indicates that he or she lacks regular access to primary care,  
173 proactively seeking to establish a relationship between the  
174 patient and a federally qualified health center, county health

603-03116-24

20241320c2

175 department, or other primary care setting so that the patient  
176 develops a medical home at such setting for primary health care  
177 services. A pharmacy that establishes one or more collaborative  
178 partnerships under this subparagraph may not enter into an  
179 arrangement relating to such partnership which would prevent a  
180 federally qualified health center, county health department, or  
181 other primary care setting from establishing collaborative  
182 partnerships with other pharmacies.

183 (b) Effective July 1, 2025, a pharmacy's ACP must be  
184 approved by the department before the pharmacy may receive  
185 initial licensure or licensure renewal occurring after that  
186 date. A pharmacy with an approved ACP must submit data to the  
187 department regarding the implementation and results of its plan  
188 as part of the licensure renewal process, or as directed by the  
189 department, before each licensure renewal.

190 (8) The board shall adopt rules to implement this section.  
191 Section 2. This act shall take effect July 1, 2024.