

# ACT No. 711

2024 Regular Session

HOUSE BILL NO. 579

BY REPRESENTATIVES MCMAHEN, BACALA, BILLINGS, BOYD, BRYANT, CHASSION, CHENEVERT, FREIBERG, GREEN, HORTON, JACKSON, MIKE JOHNSON, JORDAN, KNOX, LAFLEUR, MANDIE LANDRY, LYONS, MYERS, NEWELL, OWEN, PHELPS, SELDERS, STAGNI, AND TAYLOR

1 AN ACT

2 To enact R.S. 37:1218.2, relative to dispensation of human immunodeficiency virus  
3 prophylaxis; to authorize pharmacists to dispense human immunodeficiency virus  
4 pre-exposure and post-exposure prophylaxis; to require certain training; to require  
5 the Louisiana Department of Health to promulgate rules; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1218.2 is hereby enacted to read as follows:

9 §1218.2. Administration and treatment for human immunodeficiency virus

10 A. For the purposes of this Section, the following terms have the meaning  
11 ascribed to them:

12 (1) "Department" means the Louisiana Department of Health.

13 (2) "Human immunodeficiency virus", hereinafter referred to as "HIV",  
14 means a virus that attacks the body's immune system which, if not treated, can  
15 develop into acquired immunodeficiency syndrome.

16 (3) "Post-exposure prophylaxis" means an emergency regimen comprising  
17 highly active antiretroviral therapy with baseline and follow-up HIV testing, which  
18 should be used within a certain amount of time after potential exposure.

19 (4) "Pre-exposure prophylaxis" means a prophylactic regimen that includes  
20 medication, regular counseling, and regular screening.

1           B.(1) A pharmacist may dispense and administer up to a thirty day supply of  
2           HIV pre-exposure prophylaxis and a twenty-eight day course of HIV post-exposure  
3           prophylaxis to any person age seventeen or older pursuant to rules promulgated by  
4           the department if there is no prescription drug order.

5           (2) A pharmacist may perform a rapid HIV test at the pharmacy in a private,  
6           secured location or may order laboratory testing for HIV infection for any person age  
7           seventeen or older pursuant to rules promulgated by the department.

8           (3) A pharmacist shall administer any tests performed pursuant to this Section  
9           in a private location within the pharmacy, and shall ensure patient confidentiality,  
10          including storing all records and documents regarding a patient's test results for HIV  
11          in a secured location that is not easily accessible by other employees in the  
12          pharmacy.

13          C.(1) The department shall promulgate rules in accordance with the  
14          Administrative Procedure Act to implement the provisions of this Section.

15          (2) The department shall consult with an expert panel to advise it in  
16          promulgating administrative rules to implement the provisions of this Section. The  
17          administrative rules shall be promulgated by March 2025.

18          (a) The expert panel shall integrate and coordinate expertise relative but not  
19          limited to testing, referrals, prescribing, and reimbursement for HIV pre-exposure  
20          prophylaxis and HIV post-exposure prophylaxis.

21          (b) The expert panel shall be composed of the following members who shall  
22          serve without compensation:

23                 (i) A representative from the Louisiana Department of Health, bureau of  
24                 infectious diseases.

25                 (ii) An infectious disease physician to be selected by the department.

26                 (iii) A primary care physician who has experience managing patients who  
27                 utilize HIV medications to be selected by the department.

28                 (iv) Two pharmacists to be selected by the department.

29                 (v) A representative from the Louisiana Board of Pharmacy.

30                 (vi) A representative from the Louisiana State Board of Medical Examiners.

1                   (3) The rules promulgated by the department shall include requirements  
 2                   relating to the testing, screening, and treatment of patients. At a minimum, the rules  
 3                   shall require the pharmacist to do all of the following:

4                   (a) Complete a training program approved by the department on the use of  
 5                   HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis prior to  
 6                   exercising the authority provided for in this Section. The training shall include but  
 7                   not be limited to all of the following:

8                   (i) Financial assistance programs for HIV pre-exposure prophylaxis and HIV  
 9                   post-exposure prophylaxis.

10                   (ii) Strategies to access state and federal resources to provide the same level  
 11                   of care for patients regardless of insurance coverage status.

12                   (b) Document a focused assessment of the patient following best practices  
 13                   and guidelines for preventing HIV.

14                   (c) Document steps to obtain consent, order, process, evaluate, interpret, and  
 15                   discuss results with patients of any HIV laboratory tests authorized in the rules  
 16                   promulgated by the department.

17                   (d) Identify the nature and obligations for successful HIV pre-exposure  
 18                   prophylaxis or HIV post-exposure prophylaxis, as required by the patient, and the  
 19                   importance of timely testing for HIV and related complications and comorbid  
 20                   conditions.

21                   (4) The rules promulgated by the department shall include procedures for the  
 22                   timely notification of the patient's primary care provider of the services provided, or  
 23                   when a patient does not have a primary care provider, documentation of a good faith  
 24                   effort to refer the patient to a primary care provider.

25                   D. A pharmacist authorized to provide a service relative to HIV pre-exposure  
 26                   and post-exposure prophylaxis shall be reimbursed at the same rate as any other  
 27                   participating healthcare provider providing such service in accordance with the  
 28                   patient's health coverage plan.

1                   E. This Section shall not be construed to require a health coverage plan or  
2                   a third-party administrator or pharmacy benefit manager to reimburse a pharmacist  
3                   or pharmacy as an in-network or a preferred provider.

4                   F. The provisions of this Section may apply to coverage under a group or  
5                   individual health coverage plan provided to a resident of this state regardless of  
6                   whether the health coverage plan policy, contract, or other agreement is delivered,  
7                   issued for delivery, or renewed in this state.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_