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Testimony of FreeState Justice IN SUPPORT OF SB355: HIV Prevention Drugs - Prescribing and Dispensing by Pharmacists and Insurance Requirements

To the Honorable Chair Paul Pinsky, Vice Chair Cheryl Kagan, and esteemed members of the Education, Health, and Environmental Affairs Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community.

We write today in support of Senate Bill 355, which expands access to HIV prevention medications by expanding insurance coverage, limiting the ability of insurers to require pre-authorization before medication can be dispensed, and permitting pharmacists to dispense initial prescriptions of HIV prevention medications under limited circumstances. We strongly believe these provisions will help to minimize the spread of HIV in Maryland. While both PEP and PrEP dramatically decrease the risk to users of contracting HIV, significant barriers prevent their uptake. In addition to requiring a physician's prescription, PEP and especially PrEP often require insurance pre-authorization. The delays brought about by these barriers can cause at-risk individuals to miss their critical 72 hour window to take PEP or to miss out on the protection of PrEP before unintentional exposure. By limiting the ability of insurers to require preauthorization for the use of PEP and PrEP, Senate Bill 355 ensures Marylanders will not miss out on their protection simply because they are waiting for a decision.

Studies have shown that pharmacists see their patients between 1.5 to 10 times more frequently than primary care providers. The increased accessibility of community pharmacists will greatly improve the process for PrEP uptake. Furthermore, Senate Bill 355 also expands access to PEP and PrEP by reducing the barriers to obtaining an initial prescription. Under SB355, pharmacists may dispense an initial 60-day prescription of PEP or PrEP without a physician's prescription, in a method similar to how Maryland pharmacists may prescribe emergency contraception behind the counter. Pharmacies are significantly more accessible to individuals without primary care providers, have more flexible hours than many medical provider offices, and generally do not require appointments in advance, something that is especially critical where individuals are unable to make an

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FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland) is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.

appointment with a physician in timely manner or where time is of the essence, such as during the 72-hour window for PEP.

In the middle of a global pandemic, pharmacists have proven they are capable of appropriately providing point of care testing and services such as vaccinations, naloxone, and dispensing contraceptives. By authorizing pharmacists to prescribe and dispense PEP and PrEP to patients, SB355 taps into the under-recognized potential of pharmacists' roles in HIV prevention and contributes greatly to public health through expanding patients' accessibility to life changing medication, and allowing PEP and PrEP to reach a broader population of community members. For these reasons, FreeState Justice urges a favorable report on Senate Bill 355.