

STATE OF NEW YORK

10321

IN ASSEMBLY

April 10, 2018

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a schedule VI of drugs and other substances, to including gabapentin as a drug to be monitored through the prescription monitoring program, and to make conforming changes; and to direct the commissioner of health to promulgate regulations necessary or desirable to classify gabapentin and its chemical equivalents as a scheduled substance for the purposes of article 33 of the public health law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3306 of the public health law is amended by adding a new section VI to read as follows:

Schedule VI. (a) Schedule VI shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Non-narcotic prescription drugs not included in schedules I through V of this section. Any compound, mixture, or preparation containing any of the following drugs:

(1) gabapentin (Neurontin, Gralise, Horizant, Gabarone) and its chemical equivalents.

§ 2. Subdivision 5 of section 3302 of the public health law, as added by chapter 878 of the laws of 1972 and renumbered by chapter 537 of the laws of 1998, is amended to read as follows:

5. "Controlled substance" means a substance or substances listed in schedule I, II, III, IV or V of section thirty-three hundred six of this ~~chapter~~ title.

§ 3. Subdivision 9 of section 3343-a of the public health law is renumbered subdivision 10.

§ 4. The opening paragraph of paragraph (a) of subdivision 2 of section 3343-a of the public health law, as amended by section 2 of part A of chapter 447 of the laws of 2012, is amended and a new subdivision 9 is added to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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1 Every practitioner shall consult the prescription monitoring program
2 registry prior to prescribing or dispensing any controlled substance
3 listed on schedule II, III or IV of section thirty-three hundred six of
4 this article or any substance listed on schedule VI of section thirty-
5 three hundred six of this article, for the purpose of reviewing a
6 patient's controlled substance history as set forth in such registry;
7 provided, however, that nothing in this section shall preclude an
8 authorized practitioner, other than a veterinarian, from consulting the
9 registry at his or her option prior to prescribing or dispensing any
10 controlled substance. The duty to consult the registry shall not apply
11 to:

12 9. Application to schedule VI substances. The provisions of this
13 section shall apply to schedule VI substances.

14 § 5. The commissioner of health shall promulgate regulations necessary
15 or desirable to classify gabapentin and its chemical equivalents as a
16 scheduled substance for the purposes of article 33 of the public health
17 law.

18 § 6. Severability. If any item, clause, sentence, subparagraph, subdi-
19 vision or other part of this act, or the application thereof to any
20 person or circumstances shall be held to be invalid, such holding shall
21 not affect, impair or invalidate the remainder of this act but it shall
22 be confined in its operation to the item, clause, sentence, subpara-
23 graph, subdivision or other part of this act directly involved in such
24 holding, or to the person and circumstances therein involved.

25 § 7. This act shall take effect on the first of January next succeed-
26 ing the date upon which it shall have become a law. Effective immediate-
27 ly the addition, amendment or repeal of any rule or regulation necessary
28 for the implementation of this act on its effective date are authorized
29 to be made on or before such date.