

STATE OF NEW YORK

10301

IN ASSEMBLY

April 15, 2020

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

AN ACT to amend the public health law, in relation to allowing prescriptions for controlled substances that are normally restricted to a thirty-day supply, to be issued for greater than a thirty-day supply during the COVID-19 state of emergency

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

1 Section 1. Section 3332 of the public health law is amended by adding
2 a new subdivision 3-a to read as follows:

3 3-a. (a) Notwithstanding any provision of law, rule, or regulation to
4 the contrary, the provisions of subdivision three of this section shall
5 not apply during the COVID-19 emergency declaration.

6 (b) Notwithstanding any provision of law, rule, or regulation to the
7 contrary, a practitioner may, in his or her discretion, issue a
8 prescription in accordance with the provisions of subdivision two of
9 this section for a quantity of a controlled substance which would exceed
10 a thirty-day supply if such controlled substance were used in accordance
11 with the directions for use specified on such prescription.

12 (c) For the purposes of this subdivision, the term "COVID-19 emergency
13 declaration" shall mean the state disaster emergency declared for the
14 entire state by executive order number two hundred two and any further
15 amendments or modifications, and as may be further extended pursuant to
16 section twenty-eight of the executive law.

17 § 2. This act shall take effect immediately, provided, however, that
18 this act shall be subject to the expiration of the state disaster emer-
19 gency declared for the entire state by executive order number 202 and
20 any further amendments or modifications, and as may be further extended
21 pursuant to section 28 of the executive law, and shall be deemed to
22 expire and repealed therewith; provided, further, that the commissioner
23 of health shall notify the legislative bill drafting commission upon the
24 occurrence of the expiration of the state disaster emergency declared
25 for the entire state by executive order number 202 and any further
26 amendments or modifications, and as may be further extended pursuant to

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

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1 section 28 of the executive law, in order that the commission may main-
2 tain an accurate and timely effective data base of the official text of
3 the laws of the state of New York in furtherance of effectuating the
4 provisions of section 44 of the legislative law and section 70-b of the
5 public officers law.