

STATE OF NEW YORK

1181

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. ABINANTI, BUCHWALD, D'URSO, SANTABARBARA, DICKENS, ARROYO, GOTTFRIED, SEAWRIGHT, BYRNE, LAWRENCE, BRABENEC, B. MILLER, GIGLIO, FITZPATRICK, MALLIOTAKIS, MORINELLO, CROUCH, JOHNS, NORRIS, M. L. MILLER, WALSH, RAIA, GALEF, STECK, STERN -- Multi-Sponsored by -- M. of A. EPSTEIN, LIFTON, SCHIMMINGER, SIMON, WRIGHT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the substitution of brand name epinephrine auto-injectors with alternate epinephrine auto-injectors for dispensation by pharmacists

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

Section 1. Section 6816-a of the education law is amended by adding a new subdivision 6 to read as follows:

6. (a) Notwithstanding subdivision two of this section or any other section of law to the contrary, when a patient is prescribed a brand name epinephrine auto-injector, a pharmacist may substitute an alternate epinephrine auto-injector containing the same active ingredients, dosage form and strength as the brand name product prescribed, ordered or demanded, regardless of whether the alternate epinephrine auto-injector is included in the latest list of interchangeable drug products for the prescribed epinephrine auto-injector device, provided that:

(i) the prescriber does not indicate that the prescription therefor shall be dispensed as written pursuant to paragraph (a) of subdivision six of section sixty-eight hundred ten of this article;

(ii) the alternate epinephrine auto-injector available would reflect a lower unit cost to the purchaser; and

(iii) the pharmacist has advised the purchaser of the availability of an alternate epinephrine auto-injector and obtained consent to dispense the alternate epinephrine auto-injector.

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

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1 (b) For purposes of this subdivision "epinephrine auto-injector" shall
2 have the same meaning as provided in paragraph (b) of subdivision one of
3 section three thousand-c of the public health law.
4 § 2. This act shall take effect immediately.