

1 INDIVIDUAL HEALTH CARE PROFESSIONAL, OR EVALUATE THE EFFECTIVENESS OF A
2 PROFESSIONAL PHARMACEUTICAL DETAILING SALES FORCE.

3 3. NOTHING IN THIS SECTION SHALL PROHIBIT THE DISPENSING OF
4 PRESCRIPTION MEDICATIONS TO A PATIENT OR TO THE PATIENT'S AUTHORIZED
5 REPRESENTATIVE; THE TRANSMISSION OF PRESCRIPTION INFORMATION BETWEEN AN
6 AUTHORIZED PHYSICIAN PRESCRIBER AND A LICENSED PHARMACY; THE TRANSFER OF
7 PRESCRIPTION INFORMATION BETWEEN LICENSED PHARMACIES; THE TRANSFER OF
8 PRESCRIPTION RECORDS THAT MAY OCCUR IN THE EVENT A PHARMACY OWNERSHIP IS
9 CHANGED OR TRANSFERRED; CARE MANAGEMENT EDUCATIONAL COMMUNICATIONS
10 PROVIDED TO A PATIENT ABOUT THE PATIENT'S HEALTH CONDITION, ADHERENCE TO
11 A PRESCRIBED COURSE OF THERAPY OR OTHER INFORMATION ABOUT THE DRUG BEING
12 DISPENSED, TREATMENT OPTIONS, OR CLINICAL TRIALS. NOTHING IN THIS
13 SECTION SHALL PROHIBIT THE COLLECTION, USE, TRANSFER, OR SALE OF PATIENT
14 AND PHYSICIAN PRESCRIBER-IDENTIFIABLE DATA BY ZIP CODE, GEOGRAPHIC
15 REGION, OR MEDICAL SPECIALTY FOR COMMERCIAL PURPOSES.

16 4. WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, AN APPLICATION
17 MAY BE MADE BY THE PHYSICIAN PRESCRIBER ON HIS OR HER OWN BEHALF OR BY
18 THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK,
19 AND UPON NOTICE TO THE RESPONDENT OF NOT LESS THAN FIVE DAYS, TO ENJOIN
20 AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF IT SHALL APPEAR
21 TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE RESPONDENT HAS, IN
22 FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH COURT
23 OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITHOUT
24 REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED
25 THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS
26 SECTION HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT LESS
27 THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH ANY
28 SUCH PROPOSED APPLICATION, THE PHYSICIAN PRESCRIBER AND/OR THE ATTORNEY
29 GENERAL, AS THE CASE MAY BE, IS AUTHORIZED TO TAKE PROOF AND MAKE A
30 DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE
31 WITH THE CIVIL PRACTICE LAW AND RULES. THE SALE OF EACH UNAUTHORIZED
32 PRESCRIPTION WITH PHYSICIAN PRESCRIBER IDENTIFIABLE DATA SHALL CONSTI-
33 TUTE A SEPARATE AND DISTINCT VIOLATION.

34 5. NOTHING IN THIS SECTION SHALL IN ANY WAY LIMIT THE RIGHTS OR REME-
35 DIES WHICH ARE OTHERWISE AVAILABLE TO A PERSON UNDER ANY OTHER LAW.

36 S 2. This act shall take effect immediately.