S T A T E O F N E W Y O R K

5571

2013-2014 Regular Sessions

I N A S S E M B L Y

March 1, 2013

Introduced by M. of A. GIBSON, STEVENSON -- Multi-Sponsored by -- M. of A. ARROYO, PERRY, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to enacting the topical medication safety and efficacy act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "topical medication safety and efficacy act".

S 2. Legislative findings and intent. The legislature recognizes that medicine is an important and ever-changing field marked by constant advances in knowledge and methods. Modern pharmaceutical research has expanded the ability of physicians to heal their patients, but these new discoveries require not just new chemical compounds, but also occasionally require new methods of administering treatments and distributing medicines to patients. For some topically applied medications, the safety and effectiveness of these treatments are enhanced for certain patients by learning correct application techniques under a physician's supervision, and through the ability of such patients to obtain their medicines directly from their physicians.

The legislature further finds that this benefit is especially pronounced in the case of medications used to treat skin discoloration affecting people of color and pregnant women, as well as medication used to help cancer patients prevent eye injuries by restoring eyelashes lost as a side effect of chemotherapy. In these cases, the sensitivity of the skin and eyes means that patients often require additional guidance from physicians in the proper administration of treatments, which help millions of patients around the country. Because New York is one of only three states in the nation that prohibits the dispensing of medications by physicians, certain medicines are not available to New York patients

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

LBD08710-01-3

as they are in other states, restricting patients' access to desired treatments, and driving many out-of-state to obtain treatment.

S 3. Section 6802 of the education law is amended by adding a new subdivision 24 to read as follows:

24. "AESTHETIC PHARMACEUTICAL" MEANS:

A. BIMATOPROST;

B. HYDROQUINONE;

C. METRONIDAZOLE;

D. TRETINOIN; OR

E. A DRUG THAT:

(1) IS NOT A CONTROLLED SUBSTANCE;

(2) REQUIRES A PRESCRIPTION FOR DISPENSATION;

(3) HAS BEEN REGISTERED WITH OR APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AND

(4) IS PRESCRIBED FOR THE SKIN, THE TREATMENT OF CERTAIN SKIN CONDITIONS, OR THE ENHANCEMENT OF AN INDIVIDUAL'S APPEARANCE.

S 4. Subparagraph 9 of paragraph a of subdivision 2 of section 6807 of the education law, as amended by chapter 538 of the laws of 2001, is amended and a new subparagraph 10 is added to read as follows:

(9) the dispensing of drugs pursuant to an oncological or AIDS protocol[.]; OR

(10) THE DISPENSING OF AN AESTHETIC PHARMACEUTICAL TO THE PRESCRIBER'S PATIENTS WHERE THE PRESCRIBER BELIEVES THAT DISPENSING WOULD IMPROVE THE SAFETY AND EFFICACY OF THE DRUG FOR THAT PATIENT, AND, TO THE EXTENT AN AESTHETIC PHARMACEUTICAL IS AVAILABLE AT A PHARMACY, INFORMS THE PATIENT THAT THE PRESCRIPTION MAY BE FILLED AT A PHARMACY OR DISPENSED IN THE PRESCRIBER'S OFFICE. A PRESCRIBER MAY CHARGE A FEE FOR DISPENSING AN AESTHETIC PHARMACEUTICAL.

S 5. This act shall take effect immediately.