

5510

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "topical medication safety and efficacy act".
3 S 2. Legislative findings and intent. The legislature recognizes that
4 medicine is an important and ever-changing field marked by constant
5 advances in knowledge and methods. Modern pharmaceutical research has
6 expanded the ability of physicians to heal their patients, but these new
7 discoveries require not just new chemical compounds, but also occa-
8 sionally require new methods of administering treatments and distribut-
9 ing medicines to patients. For some topically applied medications, the
10 safety and effectiveness of these treatments are enhanced for certain
11 patients by learning correct application techniques under a physician's
12 supervision, and through the ability of such patients to obtain their
13 medicines directly from their physicians.
14 The legislature further finds that this benefit is especially
15 pronounced in the case of medications used to treat skin discoloration
16 affecting people of color and pregnant women, as well as medication used
17 to help cancer patients prevent eye injuries by restoring eyelashes lost
18 as a side effect of chemotherapy. In these cases, the sensitivity of the
19 skin and eyes means that patients often require additional guidance from
20 physicians in the proper administration of treatments, which help
21 millions of patients around the country. Because New York is one of only
22 three states in the nation that prohibits the dispensing of medications
23 by physicians, certain medicines are not available to New York patients
24 as they are in other states, restricting patients' access to desired
25 treatments, and driving many out-of-state to obtain treatment.

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

LBD08710-01-3

1 S 3. Section 6802 of the education law is amended by adding a new
2 subdivision 24 to read as follows:
3 24. "AESTHETIC PHARMACEUTICAL" MEANS:
4 A. BIMATOPROST;
5 B. HYDROQUINONE;
6 C. METRONIDAZOLE;
7 D. TRETINOIN; OR
8 E. A DRUG THAT:
9 (1) IS NOT A CONTROLLED SUBSTANCE;
10 (2) REQUIRES A PRESCRIPTION FOR DISPENSATION;
11 (3) HAS BEEN REGISTERED WITH OR APPROVED BY THE FEDERAL FOOD AND DRUG
12 ADMINISTRATION; AND
13 (4) IS PRESCRIBED FOR THE SKIN, THE TREATMENT OF CERTAIN SKIN CONDI-
14 TIONS, OR THE ENHANCEMENT OF AN INDIVIDUAL'S APPEARANCE.
15 S 4. Subparagraph 9 of paragraph a of subdivision 2 of section 6807 of
16 the education law, as amended by chapter 538 of the laws of 2001, is
17 amended and a new subparagraph 10 is added to read as follows:
18 (9) the dispensing of drugs pursuant to an oncological or AIDS proto-
19 col[.]; OR
20 (10) THE DISPENSING OF AN AESTHETIC PHARMACEUTICAL TO THE PRESCRIBER'S
21 PATIENTS WHERE THE PRESCRIBER BELIEVES THAT DISPENSING WOULD IMPROVE THE
22 SAFETY AND EFFICACY OF THE DRUG FOR THAT PATIENT, AND, TO THE EXTENT AN
23 AESTHETIC PHARMACEUTICAL IS AVAILABLE AT A PHARMACY, INFORMS THE PATIENT
24 THAT THE PRESCRIPTION MAY BE FILLED AT A PHARMACY OR DISPENSED IN THE
25 PRESCRIBER'S OFFICE. A PRESCRIBER MAY CHARGE A FEE FOR DISPENSING AN
26 AESTHETIC PHARMACEUTICAL.
27 S 5. This act shall take effect immediately.