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

8601--A

2015-2016 Regular Sessions

I N A S S E M B L Y

December 2, 2015

Introduced by M. of A. McDONALD, CUSICK, MAYER, RYAN, STECK -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to limiting the initial prescription of a controlled substance for the alleviation of acute pain

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

Section 1. Subdivision 5 of section 3331 of the public health law, as amended by chapter 965 of the laws of 1974, is amended to read as follows:

5. (A) No more than a thirty day supply or, pursuant to regulations of the commissioner enumerating conditions warranting specified greater supplies, no more than a three month supply of a schedule II, III or IV substance, as determined by the directed dosage and frequency of dosage, may be dispensed by an authorized practitioner at one time.

(B) A PRACTITIONER MAY NOT PRESCRIBE MORE THAN A FIVE DAY SUPPLY OF ANY SCHEDULE II OR III CONTROLLED SUBSTANCE FOR A PATIENT UPON THE INITIAL CONSULTATION OR TREATMENT OF THE PATIENT FOR ACUTE PAIN. AFTER ISSUING THE INITIAL PRESCRIPTION AND EVALUATING THE PATIENT'S CONDITION, THE PRACTITIONER MAY ISSUE ANY APPROPRIATE RENEWAL, REFILL OR NEW PRESCRIPTION FOR THE CONTROLLED SUBSTANCE OR OTHER DRUG FOR THE PATIENT.

(C) FOR THE PURPOSES OF THIS SUBDIVISION, "ACUTE PAIN" SHALL MEAN PAIN, WHETHER RESULTING FROM DISEASE, ACCIDENTAL OR INTENTIONAL TRAUMA, OR OTHER CAUSE, THAT IS REASONABLY EXPECTED TO LAST ONLY A SHORT OR FINITE PERIOD OF TIME. SUCH TERM SHALL NOT INCLUDE CHRONIC PAIN, OR PAIN BEING TREATED AS PART OF CANCER CARE, HOSPICE OR OTHER END-OF-LIFE CARE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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