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I N   A S S E M B L Y

February 19, 2016

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Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law and the education law, in relation  
to exceptions to requirements for electronic prescriptions

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

1     Section 1. Paragraphs (d) and (e) of subdivision 3 of section 281 of  
2     the public health law, as amended by chapter 13 of the laws of 2015 are  
3     amended, and a new paragraph (f) is added to read as follows:

4     (d) issued by a practitioner under circumstances where, notwithstanding  
5     the practitioner's present ability to make an electronic  
6     prescription as required by this subdivision, such practitioner reasonably  
7     determines that it would be impractical for the patient to obtain  
8     substances prescribed by electronic prescription in a timely manner, and  
9     such delay would adversely impact the patient's medical condition,  
10    provided that if such prescription is for a controlled substance, the  
11    quantity of controlled substances does not exceed a five day supply if  
12    the controlled substance were used in accordance with the directions for  
13    use; [or]

14    (e) issued by a practitioner to be dispensed by a pharmacy located  
15    outside the state, as set forth in regulation[.]; OR

16    (F) ISSUED AS AN ORAL PRESCRIPTION UNDER PARAGRAPH (B) OF SUBDIVISION  
17    FOUR OF SECTION 6810 OF THE EDUCATION LAW.

18    S 2. Paragraphs (d) and (e) of subdivision 10 of section 6810 of the  
19    education law, as amended by chapter 13 of the laws of 2015, are  
20    amended, and a new paragraph (f) is added to read as follows:

21    (d) issued by a practitioner under circumstances where, notwithstanding  
22    the practitioner's present ability to make an electronic  
23    prescription as required by this subdivision, such practitioner reasonably  
24    determines that it would be impractical for the patient to obtain  
25    substances prescribed by electronic prescription in a timely manner, and  
26    such delay would adversely impact the patient's medical condition,  
27    provided that if such prescription is for a controlled substance, the

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

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1 quantity that does not exceed a five day supply if the controlled  
2 substance was used in accordance with the directions for use; [or]  
3 (e) issued by a practitioner to be dispensed by a pharmacy located  
4 outside the state, as set forth in regulation[.]; OR  
5 (F) ISSUED AS AN ORAL PRESCRIPTION UNDER PARAGRAPH (B) OF SUBDIVISION  
6 FOUR OF THIS SECTION.  
7 S 3. This act shall take effect immediately; provided that if this act  
8 becomes a law after March 27, 2016, it shall be deemed to have been in  
9 effect on and after that date.