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

7801

I N S E N A T E

May 12, 2016

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to authorizing a pharmacy receiving an electronic prescription for a non-controlled substance to transfer such prescription to another pharmacy

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

Section 1. Section 281 of the public health law is amended by adding two new subdivisions 3-a and 8 to read as follows:

3-A. A PHARMACY THAT RECEIVES AN ELECTRONIC PRESCRIPTION FOR A NON-CONTROLLED SUBSTANCE MAY TRANSFER SUCH PRESCRIPTION TO AN ALTERNATIVE PHARMACY AT THE REQUEST OF THE PATIENT IF THE PHARMACY RECEIVING THE INITIAL PRESCRIPTION IS UNABLE TO FILL SUCH INITIAL PRESCRIPTION.

8. A VIOLATION OF THIS SECTION SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION TWELVE-B OF THIS CHAPTER.

S 2. Subdivision 10 of section 6810 of the education law, as amended by chapter 13 of the laws of 2015, is amended and two new subdivisions 10-a and 16 are added to read as follows:

10. Notwithstanding any other provision of this section or any other law to the contrary, effective three years subsequent to the date on which regulations establishing standards for electronic prescriptions are promulgated by the commissioner of health, in consultation with the commissioner pursuant to subdivision three of section two hundred eighty-one of the public health law, no practitioner shall issue any prescription in this state, unless such prescription is made by electronic prescription from the practitioner to a pharmacy, except for prescriptions: (a) issued by veterinarians; (b) issued or dispensed in circumstances where electronic prescribing is not available due to temporary technological or electrical failure, as set forth in regulation; (c) issued by practitioners who have received a waiver or a renewal thereof for a specified period determined by the commissioner of health, not to exceed one year, from the requirement to use electronic prescribing, pursuant to a process established in regulation by the

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

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commissioner of health, in consultation with the commissioner due to economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner; (d) issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subdivision, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition, provided that if such prescription is for a controlled substance, the quantity that does not exceed a five day supply if the controlled substance was used in accordance with the directions for use; or (e) issued by a practitioner to be dispensed by a pharmacy located outside the state, as set forth in regulation. A VIOLATION OF THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION TWELVE-B OF THE PUBLIC HEALTH LAW.

10-A. A PHARMACY THAT RECEIVES AN ELECTRONIC PRESCRIPTION FOR A NON-CONTROLLED SUBSTANCE MAY TRANSFER SUCH PRESCRIPTION TO AN ALTERNATIVE PHARMACY AT THE REQUEST OF THE PATIENT IF THE PHARMACY RECEIVING THE INITIAL PRESCRIPTION IS UNABLE TO FILL SUCH INITIAL PRESCRIPTION.

16. A PHARMACY SHALL NOT REQUEST A PRACTITIONER TO RENEW A PATIENT'S PRESCRIPTION IN A MANNER THAT IS INCONSISTENT WITH THIS SECTION.

S 3. This act shall take effect immediately.