

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:

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

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

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

9 S 2. Subdivision 10 of section 6810 of the education law, as amended
10 by chapter 13 of the laws of 2015, is amended and two new subdivisions
11 10-a and 16 are added to read as follows:

12 10. Notwithstanding any other provision of this section or any other
13 law to the contrary, effective three years subsequent to the date on
14 which regulations establishing standards for electronic prescriptions
15 are promulgated by the commissioner of health, in consultation with the
16 commissioner pursuant to subdivision three of section two hundred eight-
17 y-one of the public health law, no practitioner shall issue any
18 prescription in this state, unless such prescription is made by elec-
19 tronic prescription from the practitioner to a pharmacy, except for
20 prescriptions: (a) issued by veterinarians; (b) issued or dispensed in
21 circumstances where electronic prescribing is not available due to
22 temporary technological or electrical failure, as set forth in regu-
23 lation; (c) issued by practitioners who have received a waiver or a
24 renewal thereof for a specified period determined by the commissioner of
25 health, not to exceed one year, from the requirement to use electronic
26 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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1 commissioner of health, in consultation with the commissioner due to
2 economic hardship, technological limitations that are not reasonably
3 within the control of the practitioner, or other exceptional circum-
4 stance demonstrated by the practitioner; (d) issued by a practitioner
5 under circumstances where, notwithstanding the practitioner's present
6 ability to make an electronic prescription as required by this subdivi-
7 sion, such practitioner reasonably determines that it would be impracti-
8 cal for the patient to obtain substances prescribed by electronic
9 prescription in a timely manner, and such delay would adversely impact
10 the patient's medical condition, provided that if such prescription is
11 for a controlled substance, the quantity that does not exceed a five day
12 supply if the controlled substance was used in accordance with the
13 directions for use; or (e) issued by a practitioner to be dispensed by a
14 pharmacy located outside the state, as set forth in regulation. A
15 VIOLATION OF THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS OF
16 SECTION TWELVE-B OF THE PUBLIC HEALTH LAW.

17 10-A. A PHARMACY THAT RECEIVES AN ELECTRONIC PRESCRIPTION FOR A
18 NON-CONTROLLED SUBSTANCE MAY TRANSFER SUCH PRESCRIPTION TO AN ALTERNA-
19 TIVE PHARMACY AT THE REQUEST OF THE PATIENT IF THE PHARMACY RECEIVING
20 THE INITIAL PRESCRIPTION IS UNABLE TO FILL SUCH INITIAL PRESCRIPTION.

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

23 S 3. This act shall take effect immediately.