

# STATE OF NEW YORK

11127

## IN ASSEMBLY

June 7, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried, Lupardo) -- 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; and providing for the repeal of such provisions upon the expiration thereof

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, notwithstand-  
5 ing the practitioner's present ability to make an electronic  
6 prescription as required by this subdivision, such practitioner reason-  
7 ably 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; ~~(e)~~ (e) issued by a practitioner to be dispensed by a pharmacy  
14 located outside the state, as set forth in regulation~~[-]~~; or (f) issued  
15 as an oral prescription under paragraph (b) of subdivision four of  
16 section sixty-eight hundred ten of the education law.

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

20 (d) issued by a practitioner under circumstances where, notwithstand-  
21 ing the practitioner's present ability to make an electronic  
22 prescription as required by this subdivision, such practitioner reason-  
23 ably determines that it would be impractical for the patient to obtain  
24 substances prescribed by electronic prescription in a timely manner, and  
25 such delay would adversely impact the patient's medical condition,  
26 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; ~~(e)~~ (e)  
3 issued by a practitioner to be dispensed by a pharmacy located outside  
4 the state, as set forth in regulation~~[-]~~; or (f) issued as an oral  
5 prescription under paragraph (b) of subdivision four of this section.

6 § 3. This act shall take effect November 1, 2018 and shall expire and  
7 be deemed repealed on and after June 1, 2020.