STATE OF NEW YORK

11305

IN ASSEMBLY

August 15, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Zebrowski, DenDekker, Pellegrino, Stirpe, Niou, Dinowitz, Fahy, Fernandez, D'Urso, Davila, Gottfried, Abinanti, Weprin, Dickens) -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the obligation of a pharmacy to properly dispense or refill a prescription for a drug or device, or a non-prescription drug or device regardless of the ethical, moral or religious beliefs of any employee of such pharmacy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph e of subdivision 2 of section 6808 of the education law, as amended by chapter 62 of the laws of 1989, is amended to read as follows:

e. Conduct of a pharmacy. Every owner of a pharmacy is responsible for the strength, quality, purity and the labeling thereof of all drugs, toxic substances, devices and cosmetics, dispensed or sold, subject to the guaranty provisions of this article and the public health law. Every owner of a pharmacy or every pharmacist in charge of a pharmacy shall be responsible for the proper conduct of this pharmacy. Every pharmacy shall be under the immediate supervision and management of a licensed pharmacist at all hours when open. No pharmacist shall have personal supervision of more than one pharmacy at the same time. **Every pharmacy has a responsibility to properly dispense or refill a prescription for a drug or device, or a non-prescription drug or device regardless of the ethical, moral or religious beliefs of any employee of such pharmacy. A pharmacy may provide a reasonable accommodation for any employee who holds an ethical, moral or religious belief that would prevent the dispensing or refilling of prescription or non-prescription drugs or devices as long as it does not create an undue hardship for the employer or patient. The employee shall notify the pharmacy in writing of their beliefs and which drugs or devices they cannot dispense or refill based on such beliefs. If an employer provides a reasonable accommodation pursuant to this subdivision, the employer shall establish a procedure that ensures the timely dispensing of a drug or device to the patient.**

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

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Such procedure shall not impose any unnecessary delay in the dispensing or refilling of the drug or device, or require the patient to visit another pharmacy if such drug or device is available.

§ 2. Section 6810 of the education law is amended by adding a new subdivision 16 to read as follows:

16. (a) No pharmacist shall refuse to dispense or refill a prescription for a drug or device, or a non-prescription drug or device on the grounds that dispensing such drug or device would be against their ethical, moral or religious beliefs unless:

(i) the pharmacist has previously notified, in writing, his or her employer of the drugs or devices in which they cannot dispense or refill based on their ethical, moral or religious beliefs; and

(ii) the employer provides a reasonable accommodation of the pharmacist's beliefs which does not create an undue hardship for either the employer or patient; and

(b) If an employer provides a reasonable accommodation pursuant to this subdivision, the employer shall establish a procedure that ensures the timely dispensing of a drug or device to the patient. Such procedure shall not impose any unnecessary delay in the dispensing or refilling of the drug or device, or require the patient to visit another pharmacy if such drug or device is available.

§ 3. This act shall take effect immediately. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.