

# STATE OF NEW YORK

7219--A

2017-2018 Regular Sessions

## IN ASSEMBLY

April 12, 2017

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the substitution of brand name epinephrine auto-injectors with alternate epinephrine auto-injectors for dispensation by pharmacists

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

1 Section 1. Section 6816-a of the education law is amended by adding a  
2 new subdivision 3 to read as follows:

3 3. (a) Notwithstanding subdivision two of this section or any other  
4 section of law to the contrary, when a patient is prescribed a brand  
5 name epinephrine auto-injector, a pharmacist may substitute an alternate  
6 epinephrine auto-injector containing the same active ingredients, dosage  
7 form and strength as the brand name product prescribed, ordered or  
8 demand, regardless of whether the alternate epinephrine auto-injector  
9 is included in the latest list of interchangeable drug products for the  
10 prescribed epinephrine auto-injector device, provided that:

11 (i) the prescriber does not indicate that the prescription therefor  
12 shall be dispensed as written pursuant to paragraph (a) of subdivision  
13 six of section sixty-eight hundred ten of this article;

14 (ii) the alternate epinephrine auto-injector available would reflect a  
15 lower unit cost to the purchaser; and

16 (iii) the pharmacist has advised the purchaser of the availability of  
17 an alternate epinephrine auto-injector and obtained consent to dispense  
18 the alternate epinephrine auto-injector.

19 (b) For purposes of this subdivision "epinephrine auto-injector" shall  
20 have the same meaning as provided in paragraph (b) of subdivision one of  
21 section three thousand-c of the public health law.

22 § 2. This act shall take effect immediately.

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

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