

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

7219--A

2017-2018 Regular Sessions

I N A S S E M B L Y

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 DEMANDED, 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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