

# STATE OF NEW YORK

9840

## IN ASSEMBLY

February 14, 2018

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law, in relation to allowed opioid prescription amounts

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

- 1 Section 1. Subdivision 5 of section 3331 of the public health law, as  
2 amended by section 1 of part C of chapter 71 of the laws of 2016, is  
3 amended to read as follows:
- 4 5. (a) No more than a thirty day supply or, pursuant to regulations of  
5 the commissioner enumerating conditions warranting specified greater  
6 supplies, no more than a three month supply of a schedule II, III or IV  
7 substance, as determined by the directed dosage and frequency of dosage,  
8 may be dispensed by an authorized practitioner at one time.
- 9 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
10 sion, a practitioner, within the scope of his or her professional opin-  
11 ion or discretion, may not prescribe more than a seven-day supply, or  
12 the morphine milligram equivalent of a seven-day supply, of any schedule  
13 II, III, or IV opioid to an ultimate user upon the initial consultation  
14 or treatment of such user for acute pain. Upon any subsequent consulta-  
15 tions for the same pain, the practitioner may issue, in accordance with  
16 paragraph (a) of this subdivision, any appropriate renewal, refill, or  
17 new prescription for the opioid or any other drug.
- 18 (c) For the purposes of this subdivision, "acute pain" shall mean  
19 pain, whether resulting from disease, accidental or intentional trauma,  
20 or other cause, that the practitioner reasonably expects to last only a  
21 short period of time. Such term shall not include chronic pain, pain  
22 being treated as part of cancer care, hospice or other end-of-life care,  
23 or pain being treated as part of palliative care practices.
- 24 § 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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