AN ACT to amend the public health law, in relation to allowing
prescriptions for controlled substances that are normally restricted
to a thirty-day supply, to be issued for greater than a thirty-day
supply during an emergency

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

Section 1. Subdivision 3 of section 3332 of the public health law, as
amended by chapter 178 of the laws of 2010, is amended to read as
follows:

3. (a) No such prescription shall be made for a quantity of controlled
substances which would exceed a thirty day supply if the controlled
substance were used in accordance with the directions for use specified
on the prescription. A practitioner may, however, issue a prescription
for up to a three month supply of a controlled substance provided that
the controlled substance has been prescribed to treat one of the condi-
tions that have been enumerated by the commissioner pursuant to regu-
lations as warranting the prescribing of greater than a thirty day
supply of a controlled substance and that the practitioner specifies the
condition on the face of the prescription. No additional prescriptions
for a controlled substance may be issued by a practitioner to an ulti-
mate user within thirty days of the date of any prescription previously
issued unless and until the ultimate user has exhausted all but a seven
day supply of the controlled substance provided by any previously issued
prescription. A practitioner may, however, issue a prescription for up
to a six month supply of any substance listed in subdivision (h) of
Schedule II of section thirty-three hundred six of this article provided
that such substance has been prescribed to treat one of the conditions
that have been enumerated by the commissioner pursuant to regulations as
warranting the prescribing of a six month supply and that the practi-

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets
[-] is old law to be omitted.
(b) Notwithstanding the provisions of paragraph (a) of this subdivision, during an emergency that interferes with patients readily obtaining prescription drugs from pharmacies, subject to regulations or orders of the commissioner, a practitioner may issue a prescription for a quantity of a controlled substance that would exceed a thirty-day supply if such prescription is consistent with a written treatment plan that follows generally accepted national, professional, or governmental guidelines, and the treatment plan is noted in the patient’s medical record.

§ 2. This act shall take effect immediately.