

# STATE OF NEW YORK

4183

2019-2020 Regular Sessions

## IN SENATE

March 4, 2019

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to exceptions to requirements for electronic prescriptions; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. Paragraphs (d) and (e) of subdivision 3 of section 281 of  
2 the public health law, as amended by chapter 13 of the laws of 2015, are  
3 amended and a new paragraph (f) is added to read as follows:

4 (d) issued by a practitioner under circumstances where, notwithstanding  
5 the practitioner's present ability to make an electronic  
6 prescription as required by this subdivision, such practitioner reasonably  
7 determines that it would be impractical for the patient to obtain  
8 substances prescribed by electronic prescription in a timely manner, and  
9 such delay would adversely impact the patient's medical condition,  
10 provided that if such prescription is for a controlled substance, the  
11 quantity of controlled substances does not exceed a five day supply if  
12 the controlled substance were used in accordance with the directions for  
13 use; ~~or~~ (e) issued by a practitioner to be dispensed by a pharmacy  
14 located outside the state, as set forth in regulation~~[-]~~; or (f) issued  
15 as an oral prescription by an agent who is a health care practitioner,  
16 for patients in nursing homes and residential health care facilities  
17 under paragraph (b) of subdivision four of section sixty-eight hundred  
18 ten of the education law.

19 § 2. Paragraphs (d) and (e) of subdivision 10 of section 6810 of the  
20 education law, as amended by chapter 13 of the laws of 2015, are amended  
21 and a new paragraph (f) is added to read as follows:

22 (d) issued by a practitioner under circumstances where, notwithstanding  
23 the practitioner's present ability to make an electronic

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

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1 prescription as required by this subdivision, such practitioner reason-  
2 ably determines that it would be impractical for the patient to obtain  
3 substances prescribed by electronic prescription in a timely manner, and  
4 such delay would adversely impact the patient's medical condition,  
5 provided that if such prescription is for a controlled substance, the  
6 quantity that does not exceed a five day supply if the controlled  
7 substance was used in accordance with the directions for use; ~~[(e)]~~ (e)  
8 issued by a practitioner to be dispensed by a pharmacy located outside  
9 the state, as set forth in regulation~~[-];~~ or (f) issued as an oral  
10 prescription by an agent who is a health care practitioner, for patients  
11 in nursing homes and residential health care facilities under paragraph  
12 (b) of subdivision four of this section.

13 § 3. This act shall take effect October 31, 2019 and shall expire and  
14 be deemed repealed on and after October 31, 2021.