# STATE OF NEW YORK

1034--A

Cal. No. 20

2019-2020 Regular Sessions

# IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GOTTFRIED, LUPARDO -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:**

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

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

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

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

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(d) issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subdivision, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition, provided that if such prescription is for a controlled substance, the quantity that does not exceed a five day supply if the controlled substance was used in accordance with the directions for use; [~~or~~] (e) issued by a practitioner to be dispensed by a pharmacy located outside the state, as set forth in regulation[~~.~~]**; or (f) issued as an oral prescription by an agent who is a health care practitioner, for patients in nursing homes and residential health care facilities under paragraph (b) of subdivision four of this section.**

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