

# STATE OF NEW YORK

1149

2019-2020 Regular Sessions

## IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GOTTFRIED, LUPARDO, D'URSO, ABINANTI, WRIGHT,  
M. G. MILLER, SIMON, WEPRIN, LIFTON, ZEBROWSKI, McDONOUGH, MORINELLO,  
JAFEE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to authorization to  
prescribe controlled substances

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

1 Section 1. Subdivision 12 of section 3360 of the public health law, as  
2 added by chapter 90 of the laws of 2014, is amended to read as follows:

3 12. "Practitioner" means a practitioner who (i) is [~~a physician~~]  
4 authorized by this article to prescribe a controlled substance, is  
5 licensed [~~by New York state and practicing within the state~~] or other-  
6 wise authorized to practice under title eight of the education law, and  
7 is acting within his or her lawful scope of practice, (ii) [~~who~~] by  
8 training or experience is qualified to treat a serious condition as  
9 defined in subdivision seven of this section; and (iii) has completed a  
10 two to four hour course as determined by the commissioner in regulation  
11 and registered with the department; provided however, a registration  
12 shall not be denied without cause. Such course may count toward board  
13 certification requirements. [~~The commissioner shall consider the inclu-~~  
14 ~~sion of nurse practitioners under this title based upon considerations~~  
15 ~~including access and availability. After such consideration the commis-~~  
16 ~~sioner is authorized to deem nurse practitioners as practitioners under~~  
17 ~~this title.~~]

18 § 2. This act shall take effect on the sixtieth day after it shall  
19 have become a law; provided that, effective immediately, the commis-  
20 sioner of health shall make regulations and take other actions reasonably  
21 necessary for this act to take effect on that date; and provided further  
22 that the amendments to subdivision 12 of section 3360 of the public  
23 health law made by section one of this act shall not affect the repeal  
24 of such section and shall be deemed repealed therewith.

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

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