

STATE OF NEW YORK

2891

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. ZEBROWSKI, DenDEKKER, STIRPE, NIOU, DINOWITZ, FAHY, FERNANDEZ, D'URSO, DAVILA, GOTTFRIED, ABINANTI, WEPRIN, DICKENS
-- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the obligation of a pharmacy to properly dispense or refill a prescription for a drug or device, or a non-prescription drug or device regardless of the ethical, moral or religious beliefs of any employee of such pharmacy

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

1 Section 1. Paragraph e of subdivision 2 of section 6808 of the educa-
2 tion law, as amended by chapter 62 of the laws of 1989, is amended to
3 read as follows:

4 e. Conduct of a pharmacy. Every owner of a pharmacy is responsible for
5 the strength, quality, purity and the labeling thereof of all drugs,
6 toxic substances, devices and cosmetics, dispensed or sold, subject to
7 the guaranty provisions of this article and the public health law. Every
8 owner of a pharmacy or every pharmacist in charge of a pharmacy shall be
9 responsible for the proper conduct of this pharmacy. Every pharmacy
10 shall be under the immediate supervision and management of a licensed
11 pharmacist at all hours when open. No pharmacist shall have personal
12 supervision of more than one pharmacy at the same time. Every pharmacy
13 has a responsibility to properly dispense or refill a prescription for a
14 drug or device, or a non-prescription drug or device regardless of the
15 ethical, moral or religious beliefs of any employee of such pharmacy. A
16 pharmacy may provide a reasonable accommodation for any employee who
17 holds an ethical, moral or religious belief that would prevent the
18 dispensing or refilling of prescription or non-prescription drugs or
19 devices as long as it does not create an undue hardship for the employer
20 or patient. The employee shall notify the pharmacy in writing of their
21 beliefs and which drugs or devices they cannot dispense or refill based
22 on such beliefs. If an employer provides a reasonable accommodation

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

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1 pursuant to this subdivision, the employer shall establish a procedure
2 that ensures the timely dispensing of a drug or device to the patient.
3 Such procedure shall not impose any unnecessary delay in the dispensing
4 or refilling of the drug or device, or require the patient to visit
5 another pharmacy if such drug or device is available.

6 § 2. Section 6810 of the education law is amended by adding a new
7 subdivision 16 to read as follows:

8 16. (a) No pharmacist shall refuse to dispense or refill a
9 prescription for a drug or device, or a non-prescription drug or device
10 on the grounds that dispensing such drug or device would be against
11 their ethical, moral or religious beliefs unless:

12 (i) the pharmacist has previously notified, in writing, his or her
13 employer of the drugs or devices in which they cannot dispense or refill
14 based on their ethical, moral or religious beliefs; and

15 (ii) the employer provides a reasonable accommodation of the
16 pharmacist's beliefs which does not create an undue hardship for either
17 the employer or patient; and

18 (b) If an employer provides a reasonable accommodation pursuant to
19 this subdivision, the employer shall establish a procedure that ensures
20 the timely dispensing of a drug or device to the patient. Such procedure
21 shall not impose any unnecessary delay in the dispensing or refilling of
22 the drug or device, or require the patient to visit another pharmacy if
23 such drug or device is available.

24 § 3. This act shall take effect immediately. Effective immediately the
25 addition, amendment and/or repeal of any rule or regulation necessary
26 for the implementation of this act on its effective date are authorized
27 to be made on or before such date.