

# STATE OF NEW YORK

3981

2021-2022 Regular Sessions

## IN ASSEMBLY

January 29, 2021

Introduced by M. of A. ABINANTI, SANTABARBARA, DICKENS, GOTTFRIED, SEAWRIGHT, BYRNE, BRABENEC, M. MILLER, J. M. GIGLIO, FITZPATRICK, MORINELLO, NORRIS, WALSH, GALEF, STECK, STERN, SAYEGH, PAULIN, ZEBROWSKI, BUTTENSCHON, ASHBY, JACOBSON, MONTESANO, PICHARDO, GUNTHER, MAGNARELLI -- Multi-Sponsored by -- M. of A. DeSTEFANO, EPSTEIN, HAWLEY, SIMON -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the substitution of brand name epinephrine auto-injectors with alternate epinephrine auto-injectors for dispensation by pharmacists

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

1 Section 1. Section 6816-a of the education law is amended by adding a  
2 new subdivision 6 to read as follows:

3 6. (a) Notwithstanding subdivision two of this section or any other  
4 section of law to the contrary, when a patient is prescribed a brand  
5 name epinephrine auto-injector, a pharmacist may substitute an alternate  
6 epinephrine auto-injector containing the same active ingredients, dosage  
7 form and strength as the brand name product prescribed, ordered or  
8 demand, regardless of whether the alternate epinephrine auto-injector  
9 is included in the latest list of interchangeable drug products for the  
10 prescribed epinephrine auto-injector device, provided that:

11 (i) the prescriber does not indicate that the prescription therefor  
12 shall be dispensed as written pursuant to paragraph (a) of subdivision  
13 six of section sixty-eight hundred ten of this article;

14 (ii) the alternate epinephrine auto-injector available would reflect a  
15 lower unit cost to the purchaser;

16 (iii) the pharmacist has advised the purchaser of the availability of  
17 an alternate epinephrine auto-injector and obtained consent to dispense  
18 the alternate epinephrine auto-injector; and

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

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1 (iv) the pharmacist has counseled the patient or person authorized to  
2 act on the patient's behalf on the proper usage and operating features  
3 of the alternate epinephrine auto-injector.

4 (b) For purposes of this subdivision "epinephrine auto-injector" shall  
5 have the same meaning as provided in paragraph (b) of subdivision one of  
6 section three thousand-c of the public health law.

7 § 2. This act shall take effect immediately.