STATE OF NEW YORK

6778

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law and the education law, in relation to enhancing patient access to medication assisted treatment for treatment of opioid disease

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

Section 1. Section 3331 of the public health law is amended by adding a new subdivision 10 to read as follows:

10. A pharmacist, in good faith, and in the usual course of professional pharmacy practice, may prescribe, administer and dispense substances listed in schedules III, IV, and V for the treatment of opioid use disorders, as provided in titles III or V of this article.

§ 2. Section 6801 of the education law is amended by adding a new subdivision 9 to read as follows:

9. (a) A licensed pharmacist may prescribe FDA-approved medication assisted therapy under a non-patient-specific regimen for the treatment of opioid use disease in accordance with subdivision eleven of section sixty-five hundred twenty-seven of this title and regulations promulgated by the commissioner of health established pursuant to paragraph (w) of subdivision one of section two hundred six of the public health law in consultation with the commissioner.

(b) A licensed pharmacist authorized to issue a prescription for medication assisted treatment of opioid use disorder shall:

(i) register with the federal Drug Enforcement Administration and complete the training required by Section 303 of the Controlled Substances Act (21 USC 823);

(ii) provide information to the patient on the importance of having a primary health care practitioner, developed by the commissioner of health;

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

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(iii) report such administration by electronic transmission or facsimile to the patient's attending primary health care practitioner or practitioners, if any; and

(iv) refer patient to provider or practice responsible for collaborating in the non-patient-specific regimen.

§ 3. Subdivision 1 of section 206 of the public health law is amended by adding a new paragraph (w) to read as follows:

(w) establish a statewide protocol for pharmacist prescribing of medication assisted treatment of opioid use disorder, not later than ninety days after the effective date of this paragraph. A licensed pharmacist authorized to issue a prescription for medication assisted treatment of opioid use disorder shall register with the federal Drug Enforcement Administration and complete the training required by Section 303 of the Controlled Substances Act (21 USC 823)

§ 4. Paragraph (e) of subdivision 4 of section 3381 of the public health law, as amended by chapter 433 of the laws of 2021, is amended to read as follows:

(e) A pharmacy registered under article one hundred thirty-seven of the education law may offer counseling and referral services to customers purchasing hypodermic syringes for the purpose of: preventing injection drug abuse; the provision of drug treatment; preventing and treating hepatitis C; preventing drug overdose; testing for the human immunodeficiency virus; and providing pre-exposure prophylaxis and non-occupational post-exposure prophylaxis. The content of such counseling and referral shall be at the professional discretion of the pharmacist. A licensed pharmacist authorized to issue prescriptions for medication assisted treatment pursuant to subdivision ten of section thirty-three hundred thirty-one of this article may offer medication assisted treatment.

§ 5. Section 6527 of the education law is amended by adding a new subdivision 11 to read as follows:

11. A licensed physician may prescribe and order a non-patient-specific regimen to a licensed pharmacist, for prescribing buprenorphine for the care of patients with opioid use disorder pursuant to subdivision nine of section sixty-eight hundred one of this title.

§ 6. Section 6909 of the education law is amended by adding a new subdivision 11 to read as follows:

11. A certified nurse practitioner may prescribe and order a non-patient-specific regimen to a licensed pharmacist, for prescribing buprenorphine for the care of patients suffering from opioid use disorder pursuant to subdivision nine of section sixty-eight hundred one of this title.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law.