

# STATE OF NEW YORK

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1590

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

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Introduced by M. of A. SIMON, DINOWITZ, THIELE, SEAWRIGHT, DICKENS,  
McDONOUGH, DeSTEFANO, SANTABARBARA -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to allowing  
prescriptions for controlled substances that are normally restricted  
to a thirty-day supply, to be issued for greater than a thirty-day  
supply during an emergency

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

1 Section 1. Subdivision 3 of section 3332 of the public health law, as  
2 amended by chapter 178 of the laws of 2010, is amended to read as  
3 follows:

4 3. (a) No such prescription shall be made for a quantity of controlled  
5 substances which would exceed a thirty day supply if the controlled  
6 substance were used in accordance with the directions for use specified  
7 on the prescription. A practitioner may, however, issue a prescription  
8 for up to a three month supply of a controlled substance provided that  
9 the controlled substance has been prescribed to treat one of the condi-  
10 tions that have been enumerated by the commissioner pursuant to regu-  
11 lations as warranting the prescribing of greater than a thirty day  
12 supply of a controlled substance and that the practitioner specifies the  
13 condition on the face of the prescription. No additional prescriptions  
14 for a controlled substance may be issued by a practitioner to an ulti-  
15 mate user within thirty days of the date of any prescription previously  
16 issued unless and until the ultimate user has exhausted all but a seven  
17 day supply of the controlled substance provided by any previously issued  
18 prescription. A practitioner may, however, issue a prescription for up  
19 to a six month supply of any substance listed in subdivision (h) of  
20 Schedule II of section thirty-three hundred six of this article provided  
21 that such substance has been prescribed to treat one of the conditions  
22 that have been enumerated by the commissioner pursuant to regulations as

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

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1 warranting the prescribing of a six month supply and that the practi-  
2 tioner specifies the condition on the prescription or on the electronic  
3 prescription.

4 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
5 sion, during an emergency that interferes with patients readily obtain-  
6 ing prescription drugs from pharmacies, subject to regulations or orders  
7 of the commissioner, a practitioner may issue a prescription for a quan-  
8 tity of a controlled substance that would exceed a thirty-day supply if  
9 such prescription is consistent with a written treatment plan that  
10 follows generally accepted national, professional, or governmental  
11 guidelines, and the treatment plan is noted in the patient's medical  
12 record.

13 § 2. This act shall take effect immediately.