STATE OF NEW YORK

1590

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

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 Assembly, do enact as follows:

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

3. **(a)** No such prescription shall be made for a quantity of controlled substances which would exceed a thirty day supply if the controlled substance were used in accordance with the directions for use specified on the prescription. A practitioner may, however, issue a prescription for up to a three month supply of a controlled substance provided that the controlled substance has been prescribed to treat one of the conditions that have been enumerated by the commissioner pursuant to regulations as warranting the prescribing of greater than a thirty day supply of a controlled substance and that the practitioner specifies the condition on the face of the prescription. No additional prescriptions for a controlled substance may be issued by a practitioner to an ultimate user within thirty days of the date of any prescription previously issued unless and until the ultimate user has exhausted all but a seven day supply of the controlled substance provided by any previously issued prescription. A practitioner may, however, issue a prescription for up to a six month supply of any substance listed in subdivision (h) of Schedule II of section thirty-three hundred six of this article provided that such substance has been prescribed to treat one of the conditions 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.

LBD02884-01-3

warranting the prescribing of a six month supply and that the practitioner specifies the condition on the prescription or on the electronic prescription.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, during an emergency that interferes with patients readily obtaining prescription drugs from pharmacies, subject to regulations or orders of the commissioner, a practitioner may issue a prescription for a quantity of a controlled substance that would exceed a thirty-day supply if such prescription is consistent with a written treatment plan that follows generally accepted national, professional, or governmental guidelines, and the treatment plan is noted in the patient's medical record.

§ 2. This act shall take effect immediately.