

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:

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

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

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

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

16 (b) A licensed pharmacist authorized to issue a prescription for medi-
17 cation assisted treatment of opioid use disorder shall:

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

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

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

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1 (iii) report such administration by electronic transmission or facsim-
2 ile to the patient's attending primary health care practitioner or prac-
3 titioners, if any; and

4 (iv) refer patient to provider or practice responsible for collaborat-
5 ing in the non-patient-specific regimen.

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

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

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

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

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

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

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

38 11. A certified nurse practitioner may prescribe and order a non-pa-
39 tient-specific regimen to a licensed pharmacist, for prescribing bupre-
40 norphine for the care of patients suffering from opioid use disorder
41 pursuant to subdivision nine of section sixty-eight hundred one of this
42 title.

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