STATE OF NEW YORK

6988

2023-2024 Regular Sessions

IN ASSEMBLY

May 9, 2023

Introduced by M. of A. JACOBSON -- 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:

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.

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

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