STATE OF NEW YORK

4447

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed 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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