§ 3308. Powers and duties of the commissioner. 1. The commissioner, and any representative authorized by him, shall have the power to administer oaths, compel the attendance of witnesses and the production of books, papers and records and to take proof and testimony concerning all matters within the jurisdiction of the department.

2. The commissioner is hereby authorized and empowered to make any rules, regulations and determinations which in his judgment may be necessary or proper to supplement the provisions of this article to effectuate the purposes and intent thereof or to clarify its provisions so as to provide the procedure or details to secure effective and proper enforcement of its provisions.

3. No rule or regulation hereunder shall become effective unless, at least twenty-one days prior to the proposed effective date, persons who have conveyed to the department in writing a request to be notified of proposed changes and additions to the department's rules and regulations under this article have been provided with the text of such proposed rules and regulations and have been given an opportunity to comment in writing thereon.

4. The rules, regulations and determinations, when made and promulgated by the commissioner, shall be the rules, regulations and determinations of the department and, until modified or rescinded, shall have the force and effect of law. It shall be the duty of the department, to enforce all of the provisions of this article and all of the rules, regulations and determinations made thereunder.

5. Notwithstanding any inconsistent provision of this article, the commissioner in consultation with the commissioner of education is hereby authorized to promulgate regulations regarding the prescribing, dispensing, use and transmission of electronic prescriptions, which may be prescribed and dispensed in lieu of an official New York state prescription.

6. The commissioner in consultation with the commissioner of education is hereby authorized to promulgate regulations regarding the dispensing

of out-of-state prescriptions.