

CHAPTER 13

1 AN ACT to amend the public health law and the education law, in relation
2 to electronic prescriptions
3

4 Became a law March 13, 2015, with the approval of the Governor.
5 Passed by a majority vote, three-fifths being present.
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7 The People of the State of New York, represented in Senate and Assem-
8 bly, do enact as follows:
9

10 Section 1. Subdivision 3 of section 281 of the public health law, as
11 added by section 2 of part B of chapter 447 of the laws of 2012, is
12 amended to read as follows:

13 3. On or before December thirty-first, two thousand twelve, the
14 commissioner shall promulgate regulations, in consultation with the
15 commissioner of education, establishing standards for electronic
16 prescriptions. Notwithstanding any other provision of this section or
17 any other law to the contrary, effective [~~two~~] three years subsequent to
18 the date on which such regulations are promulgated, no person shall
19 issue any prescription in this state unless such prescription is made by
20 electronic prescription from the person issuing the prescription to a
21 pharmacy in accordance with such regulatory standards, except for
22 prescriptions: (a) issued by veterinarians; (b) issued in circumstances
23 where electronic prescribing is not available due to temporary techno-
24 logical or electrical failure, as set forth in regulation; (c) issued by
25 practitioners who have received a waiver or a renewal thereof for a
26 specified period determined by the commissioner, not to exceed one year,
27 from the requirement to use electronic prescribing, pursuant to a proc-
28 ess established in regulation by the commissioner, in consultation with
29 the commissioner of education, due to economic hardship, technological
30 limitations that are not reasonably within the control of the practi-
31 tioner, or other exceptional circumstance demonstrated by the practi-
32 tioner; (d) issued by a practitioner under circumstances where, notwith-
33 standing the practitioner's present ability to make an electronic
34 prescription as required by this subdivision, such practitioner reason-
35 ably determines that it would be impractical for the patient to obtain
36 substances prescribed by electronic prescription in a timely manner, and
37 such delay would adversely impact the patient's medical condition,
38 provided that if such prescription is for a controlled substance, the
39 quantity of controlled substances does not exceed a five day supply if
40 the controlled substance were used in accordance with the directions for
41 use; or (e) issued by a practitioner to be dispensed by a pharmacy
42 located outside the state, as set forth in regulation.

43 § 2. Subdivision 10 of section 6810 of the education law, as added by
44 section 3 of part B of chapter 447 of the laws of 2012, is amended to
45 read as follows:

46 10. Notwithstanding any other provision of this section or any other
47 law to the contrary, effective [~~two~~] three years subsequent to the date
48 on which regulations establishing standards for electronic prescriptions
49 are promulgated by the commissioner of health, in consultation with the
50

51 EXPLANATION--Matter in italics is new; matter in brackets [-] is old law
52 to be omitted.

4 y-one of the public health law, no practitioner shall issue any
5 prescription in this state, unless such prescription is made by elec-
6 tronic prescription from the practitioner to a pharmacy, except for
7 prescriptions: (a) issued by veterinarians; (b) issued or dispensed in
8 circumstances where electronic prescribing is not available due to
9 temporary technological or electrical failure, as set forth in regu-
10 lation; (c) issued by practitioners who have received a waiver or a
11 renewal thereof for a specified period determined by the commissioner of
12 health, not to exceed one year, from the requirement to use electronic
13 prescribing, pursuant to a process established in regulation by the
14 commissioner of health, in consultation with the commissioner due to
15 economic hardship, technological limitations that are not reasonably
16 within the control of the practitioner, or other exceptional circum-
17 stance demonstrated by the practitioner; (d) issued by a practitioner
18 under circumstances where, notwithstanding the practitioner's present
19 ability to make an electronic prescription as required by this subdivi-
20 sion, such practitioner reasonably determines that it would be impracti-
21 cal for the patient to obtain substances prescribed by electronic
22 prescription in a timely manner, and such delay would adversely impact
23 the patient's medical condition, provided that if such prescription is
24 for a controlled substance, the quantity that does not exceed a five day
25 supply if the controlled substance was used in accordance with the
26 directions for use; or (e) issued by a practitioner to be dispensed by a
27 pharmacy located outside the state, as set forth in regulation.

28 § 3. This act shall take effect immediately; provided that if this act
29 shall not have become a law on or before March 27, 2015, this act shall
30 be deemed to have been in full force and effect on and after March 27,
31 2015.

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33 The Legislature of the STATE OF NEW YORK ss:

34 Pursuant to the authority vested in us by section 70-b of the Public
35 Officers Law, we hereby jointly certify that this slip copy of this
36 session law was printed under our direction and, in accordance with such
37 section, is entitled to be read into evidence.

38
39 DEAN G. SKELOS
40 Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly