

STATE OF NEW YORK

7217

2017-2018 Regular Sessions

IN ASSEMBLY

April 12, 2017

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the accreditation of non-resident pharmacy, manufacturing, wholesale or outsourcing facilities that ship, mail or deliver prescription drugs or devices to other establishments, authorized prescribers and/or patients residing in New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 6808-b of the education law, as
2 amended by section 5 of part D of chapter 60 of the laws of 2014, is
3 amended, subdivisions 6, 7, 8 and 9 are renumbered 7, 8, 9 and 10 and a
4 new subdivision 6 is added to read as follows:

5 1. [~~Definition.~~] Definitions. a. The term "nonresident establishment"
6 shall mean any pharmacy, manufacturer, wholesaler, third-party logistics
7 provider or outsourcing facility located outside of the state that
8 ships, mails or delivers prescription drugs or devices to other estab-
9 lishments, authorized prescribers and/or patients residing in this
10 state. Such establishments shall include, but not be limited to, pharma-
11 cies that transact business through the use of the internet.

12 b. The term "third-party logistics provider" shall mean an entity that
13 provides or coordinates warehousing, distribution, or other services on
14 behalf of a manufacturer, but does not take title to the prescription
15 drug or have general responsibility to direct the prescription drug's
16 sale or disposition.

17 6. Additional requirements. Non-resident wholesalers and third-party
18 logistics providers registered pursuant to this section and engaged in
19 the act of wholesale drug distribution shall be accredited pursuant to
20 the verified-accredited wholesale distributor program administered by
21 the national association of boards of pharmacy.

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

LBD10964-01-7

1 § 2. Paragraph e of subdivision 2 of section 6808 of the education
2 law, as amended by chapter 62 of the laws of 1989, is amended to read as
3 follows:

4 e. Conduct of a pharmacy. Every owner of a pharmacy is responsible for
5 the strength, quality, purity and the labeling thereof of all drugs,
6 toxic substances, devices and cosmetics, dispensed or sold, subject to
7 the guaranty provisions of this article and the public health law.

8 Every New York state registered pharmacy shall purchase or obtain
9 prescription drugs and devices directly from authorized manufacturers or
10 at wholesale only from New York state registered wholesalers, or those
11 non-resident establishments registered by the department. Every owner of

12 a pharmacy or every pharmacist in charge of a pharmacy shall be respon-
13 sible for the proper conduct of this pharmacy. Every pharmacy shall be
14 under the immediate supervision and management of a licensed pharmacist
15 at all hours when open. No pharmacist shall have personal supervision of
16 more than one pharmacy at the same time.

17 § 3. This act shall take effect on the three hundred sixty-fifth day
18 after it shall have become a law.