

# STATE OF NEW YORK

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6108

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

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Introduced by Sen. LIU -- 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 labeling of prescription drugs containing gluten, lactose or food dye

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

1 Section 1. Subdivision 2 of section 6811-a of the education law, as  
2 amended by section 9 of part D of chapter 60 of the laws of 2014, is  
3 amended to read as follows:

4 2. Except as otherwise authorized in the Federal Food, Drug and  
5 Cosmetic Act, no drug for which any prescription is required by the  
6 provisions of the Federal Food, Drug and Cosmetic Act or by the commis-  
7 sioner of health contained within a bottle, vial, carton or other  
8 container, or in any way affixed or appended to or enclosed within a  
9 package of any kind, and designed or intended for delivery in such  
10 container or package to an ultimate consumer, shall be manufactured or  
11 distributed within this state unless such container or package has  
12 clearly and permanently marked or imprinted upon it in conformance with  
13 the applicable plan required by subdivision three of this section:

14 (a) an individual symbol, N. D. C. number, company name, number,  
15 letters, words or marking identifying the manufacturer or distributor of  
16 the drug;

17 (b) an N. D. C. number, symbol, number, letters, words or marking  
18 identifying such drug or combination of drugs;

19 (c) where a prescription drug product contains any active or inactive  
20 ingredient made from any gluten-containing grain, including wheat,  
21 barley, rye, or any crossbred hybrid of such grains, or where a  
22 prescription drug product contains any active or inactive ingredient  
23 containing lactose, or where a prescription drug product contains food  
24 dye, such ingredients shall appear on the label in words clearly identi-  
25 fying each; and

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

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1    [~~(e)~~] (d) whenever the distributor of the prescription drug product  
2    does not also manufacture the product the names and places of business  
3    of both shall appear on the label in words clearly distinguishing each.  
4    § 2. This act shall take effect immediately.