S T A T E O F N E W Y O R K

6947

2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. ORTIZ, P. RIVERA, SEMINERIO, GREENE, ROBINSON, ESPAILLAT -- Multi-Sponsored by -- M. of A. CHRISTENSEN, JOHN, McENENY, PEOPLES, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to requiring prescription drug bottles to display the health condition or ailment being treated by such prescription

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 6810 of the education law, as amended by chapter 905 of the laws of 1985, is amended to read as follows:

1. No drug for which a prescription is required by the provisions of the Federal Food, Drug and Cosmetic Act or by the commissioner of health shall be distributed or dispensed to any person except upon a prescription written by a person legally authorized to issue such prescription. Such drug shall be compounded or dispensed by a licensed pharmacist, and no such drug shall be dispensed without affixing to the immediate container in which the drug is sold or dispensed a label bearing the name and address of the owner of the establishment in which it was dispensed, the date compounded, the number of the prescription under which it is recorded in the pharmacist's prescription files, the name of the prescriber, the name and address of the patient, [and] the directions for the use of the drug by the patient as given upon the prescription AND THE HEALTH CONDITION OR AILMENT FOR WHICH SUCH DRUG HAS BEEN PRESCRIBED TO SUCH PATIENT. SUCH IMPRINT OR STAMP OF THE HEALTH CONDITION OR AILMENT BEING TREATED SHALL BE CONSPICUOUSLY DISPLAYED IN BOLD, CAP-SIZED LETTERS ON THE PRESCRIPTION DRUG CONTAINER. The prescribing and dispensing of a drug which is a controlled substance shall be subject to additional requirements provided in article thirty-three of the public health law. The words "drug" and "prescription

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

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required drug" within the meaning of this article shall not be construed to include soft or hard contact lenses, eyeglasses, or any other device for the aid or correction of vision. Nothing in this subdivision shall prevent a pharmacy from furnishing a drug to another pharmacy which does not have such drug in stock for the purpose of filling a prescription.

S 2. Subdivision 2 of section 3332 of the public health law, as amended by chapter 537 of the laws of 1998, is amended to read as follows:

2. Such prescription shall be prepared on an official New York state prescription form, written with ink, indelible pencil or, apart from the practitioner's signature, typewriter or electronic printer. The original must contain the following:

(a) the name, address, and age of the ultimate user for whom the substance is intended, or, if the ultimate user is an animal, the species of such animal and the name and address of the owner or person having custody of such animal;

(b) the name, address, Federal registration number, telephone number, and handwritten signature of the prescribing practitioner;

(c) specific directions for use, including but not limited to the dosage and frequency of dosage and the maximum daily dosage;

(d) THE SPECIFIC HEALTH CONDITION OR AILMENT THE PRACTITIONER INTENDS TO TREAT WITH SUCH PRESCRIPTION;

(E) the date upon which such prescription was actually signed by the prescribing practitioner.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.