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

1543

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. STAVISKY, ADAMS, ADDABBO, DIAZ, MONSERRATE, ONORATO, PARKER, SAMPSON, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to required labeling on prescription drugs

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

Section 1. The public health law is amended by adding a new article 33-B to read as follows:

ARTICLE 33-B

REQUIRED LABELING ON PRESCRIPTION DRUGS

SECTION 3398. IDENTIFICATION OF EXPIRATION DATES ON PACKAGES CONTAINING PRESCRIBED DRUGS.

S 3398. IDENTIFICATION OF EXPIRATION DATES ON PACKAGES CONTAINING PRESCRIBED DRUGS. 1. NO PRESCRIBED DRUG DISPENSED BY A PHARMACY PURSUANT TO A PRESCRIPTION BY AN AUTHORIZED PRACTITIONER OF MEDICINE OR OTHER PERSON LEGALLY AUTHORIZED TO ISSUE SUCH PRESCRIPTION MAY BE SOLD TO THE PUBLIC UNLESS THE PACKAGING INCLUDES A LABEL WHICH LISTS THE EXPIRATION DATE BY MONTH AND YEAR FOR THIS PRESCRIBED DRUG.

2. WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFACTORY TO HIM THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR AGENT OR EMPLOYEE THEREOF HAS VIOLATED ANY PROVISION OF THIS ARTICLE, HE MAY BRING AN ACTION IN THE SUPREME COURT OF THE STATE OF NEW YORK FOR A JUDGMENT ENJOINING THE CONTINUANCE OF SUCH VIOLATION AND FOR A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS VIOLATED ANY PROVISION OF THIS ARTICLE, NO PROOF SHALL BE REQUIRED THAT ANY PERSON HAS BEEN INJURED THEREBY NOR THAT THE DEFENDANT KNOWINGLY OR INTENTIONALLY VIOLATED SUCH PROVISION. IN SUCH ACTION PRELIMINARY RELIEF MAY BE GRANTED UNDER ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

LBD04973-01-9