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

3520

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- read once and referred to the Committee on Health

AN ACT to amend the general business law, in relation to requiring a prescription for the sale of certain home HIV testing kits

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

Section 1. The general business law is amended by adding a new section 641 to read as follows:

S 641. SALE OF CERTAIN HOME HIV TESTING KITS; PRESCRIPTION. 1. NO PERSON SHALL OFFER OR AGREE TO DISPENSE, SELL OR TRANSFER A HOME HIV TESTING KIT THAT DOES NOT REQUIRE THE TEST SPECIMEN TO BE SENT TO A LABORATORY OR EQUIVALENT FACILITY FOR ANALYSIS TO ANY PERSON EXCEPT UPON A PRESCRIPTION WRITTEN BY A PERSON LEGALLY AUTHORIZED TO ISSUE SUCH PRESCRIPTION.

2. KNOWING VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH OFFENSE.

S 2. This act shall take effect immediately.

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

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