

3976

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. MAYERSOHN, ALFANO, BARRA -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale of over-the-counter drugs

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

1 Section 1. The article heading of article 38-A of the general business
2 law, as added by chapter 697 of the laws of 1986, is amended to read as
3 follows:

4 SALE OF OUTDATED

5 AND LABEL OBSTRUCTED OVER-THE-COUNTER DRUGS

6 S 2. Subdivision 2 of section 820 of the general business law, as
7 added by chapter 697 of the laws of 1986, is amended to read as follows:

8 2. to knowingly alter, mutilate, destroy, obliterate or remove by
9 means of a price sticker or otherwise the whole or any part of [the
10 expiration date displayed on] the label [or packaging], INCLUDING WHERE
11 APPLICABLE THE EXPIRATION DATE DISPLAYED THEREON, of any over-the-coun-
12 ter drug OR COSMETIC. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "LABEL"
13 SHALL MEAN THE LABEL REQUIRED BY THE STATUTES APPLICABLE TO AND REGU-
14 LATIONS ISSUED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

15 S 3. 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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