

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, ALESI, BONACIC, GOLDEN, GRIFFO, LARKIN,  
NOZZOLIO, RANZENHOFER, SEWARD -- read twice and ordered printed, and  
when printed to be committed to the Committee on Health

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

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

1 Section 1. The public health law is amended by adding a new article  
2 33-B to read as follows:

3 ARTICLE 33-B

4 REQUIRED LABELING ON PRESCRIPTION DRUGS

5 SECTION 3398. IDENTIFICATION OF THE COUNTRY OF ORIGIN OF A PRESCRIBED  
6 DRUG.

7 S 3398. IDENTIFICATION OF THE COUNTRY OF ORIGIN OF A PRESCRIBED DRUG.  
8 1. NO PRESCRIBED DRUG DISPENSED BY A PHARMACY PURSUANT TO A  
9 PRESCRIPTION BY AN AUTHORIZED PRACTITIONER OF MEDICINE OR OTHER PERSON  
10 LEGALLY AUTHORIZED TO ISSUE SUCH PRESCRIPTION MAY BE SOLD TO THE PUBLIC  
11 UNLESS THE PACKAGING INCLUDES A LABEL WHICH LISTS THE COUNTRY OF ORIGIN  
12 OF THE PRESCRIBED DRUG.

13 2. WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFAC-  
14 TORY TO HIM OR HER THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR  
15 AGENT OR EMPLOYEE THEREOF HAS VIOLATED ANY PROVISION OF THIS SECTION, HE  
16 OR SHE MAY BRING AN ACTION IN THE SUPREME COURT OF THE STATE OF NEW YORK  
17 FOR A JUDGMENT ENJOINING THE CONTINUANCE OF SUCH VIOLATION AND FOR A  
18 CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION.  
19 IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE  
20 DEFENDANT HAS VIOLATED ANY PROVISION OF THIS SECTION, NO PROOF SHALL BE  
21 REQUIRED THAT ANY PERSON HAS BEEN INJURED THEREBY NOR THAT THE DEFENDANT  
22 KNOWINGLY OR INTENTIONALLY VIOLATED SUCH PROVISION. IN SUCH ACTION,

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

LBD01665-01-1

1 PRELIMINARY RELIEF MAY BE GRANTED UNDER ARTICLE SIXTY-THREE OF THE CIVIL  
2 PRACTICE LAW AND RULES.

3 S 2. Subdivision 2 of section 6811-a of the education law, as added by  
4 chapter 729 of the laws of 1981, is amended to read as follows:

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

19 (c) ITS COUNTRY OF ORIGIN; AND

20 (D) whenever the distributor of the prescription drug product does not  
21 also manufacture the product the names and places of business of both  
22 shall appear on the label in words clearly distinguishing each.

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