

4344

2011-2012 Regular Sessions

I N S E N A T E

March 30, 2011

Introduced by Sen. STAVISKY -- 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:

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 EXPIRATION DATES ON PACKAGES CONTAINING
6 PRESCRIBED DRUGS.

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

13 2. WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFAC-
14 TORY TO HIM THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR AGENT
15 OR EMPLOYEE THEREOF HAS VIOLATED ANY PROVISION OF THIS ARTICLE, HE MAY
16 BRING AN ACTION IN THE SUPREME COURT OF THE STATE OF NEW YORK FOR A
17 JUDGMENT ENJOINING THE CONTINUANCE OF SUCH VIOLATION AND FOR A CIVIL
18 PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IF IT
19 SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE
20 DEFENDANT HAS VIOLATED ANY PROVISION OF THIS ARTICLE, 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
23 PRELIMINARY RELIEF MAY BE GRANTED UNDER ARTICLE SIXTY-THREE OF THE CIVIL
24 PRACTICE LAW AND RULES.

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

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

LBD10507-01-1