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

4075--A

2011-2012 Regular Sessions

I N S E N A T E

March 16, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to dispensing by physicians of a pharmaceutical with an aesthetic or cosmetic use or purpose

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

Section 1. Section 6802 of the education law is amended by adding a new subdivision 23 to read as follows:

23. "AESTHETIC PHARMACEUTICAL" MEANS:

A. BIMATOPROST;

B. A DRUG THAT:

(1) IS NOT A CONTROLLED SUBSTANCE;

(2) REQUIRES A PRESCRIPTION FOR DISPENSATION;

(3) HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AND

(4) IS PRESCRIBED FOR THE ENHANCEMENT OF AN INDIVIDUAL'S APPEARANCE.

S 2. Subparagraph 9 of paragraph a of subdivision 2 of section 6807 of the education law, as amended by chapter 538 of the laws of 2001, is amended and a new subparagraph 10 is added to read as follows:

(9) the dispensing of drugs pursuant to an oncological or AIDS protocol[.]; OR

(10) THE DISPENSING OF AN AESTHETIC PHARMACEUTICAL IN EXCESS OF THE PATIENT'S IMMEDIATE NEEDS WHEN DISPENSED BY A PHYSICIAN, WHERE THE PHYSICIAN:

I. INFORMS THE PATIENT THAT THE PRESCRIPTION MAY BE FILLED AT A PHARMACY OR DISPENSED IN THE PHYSICIAN'S OFFICE;

II. DISPENSES ONLY TO THE PHYSICIAN'S PATIENTS; AND

III. COMPLIES WITH ALL STATE AND FEDERAL LABELING AND RECORD KEEPING REQUIREMENTS. A RECORD MAINTAINED UNDER THIS SUBPARAGRAPH MUST BE ACCESSIBLE TO THE EXTENT REQUIRED BY STATE AND FEDERAL LAW. A PHYSICIAN MAY CHARGE A FEE FOR DISPENSING AN AESTHETIC PHARMACEUTICAL.

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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