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I N   A S S E M B L Y

March 4, 2014

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Introduced by M. of A. PAULIN -- read once and referred 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 unlawful transactions of prescription drugs

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

1     Section 1. The education law is amended by adding a new section 6810-a  
2     to read as follows:  
3     S 6810-A. UNLAWFUL TRANSACTIONS. 1. IT SHALL BE UNLAWFUL FOR ANY  
4     PERSON TO: (A) KNOWINGLY PACKAGE, SELL, DELIVER FOR SALE, HOLD FOR SALE  
5     OR OFFER FOR SALE, PURCHASE, DELIVER FOR PURCHASE, HOLD FOR PURCHASE OR  
6     OFFER FOR PURCHASE (I) ANY PRESCRIPTION DRUG THAT HE OR SHE KNOWS IS  
7     ADULTERATED, MISBRANDED, COUNTERFEIT OR HAS OTHERWISE BEEN RENDERED  
8     UNFIT FOR DISTRIBUTION, OR (II) ANY DRUG NOT APPROVED BY THE UNITED  
9     STATES FOOD AND DRUG ADMINISTRATION OR SUCCESSOR THERETO FOR SALE, OTHER  
10    THAN A DRUG COMPOUNDED BY A PHARMACIST PURSUANT TO A VALID PRESCRIPTION  
11    FROM AN AUTHORIZED PRESCRIBER; OR (B) INTENTIONALLY SELL, TRANSFER,  
12    DISTRIBUTE OR DELIVER A PRESCRIPTION DRUG TO ANY WHOLESALER WHO IS NOT  
13    LICENSED OR REGISTERED PURSUANT TO THIS ARTICLE. FOR PURPOSES OF THIS  
14    SECTION, A COMPOUNDED DRUG MEANS A DRUG CREATED BY THE COMBINING, ADMIX-  
15    ING, MIXING, DILUTING, POOLING, RECONSTITUTING, OR OTHERWISE ALTERING OF  
16    A MARKED AND APPROVED DRUG SUBSTANCE.  
17    2. A PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A CLASS D  
18    FELONY.  
19    3. ANY DRUG PACKAGED, SOLD, TRANSFERRED, DISTRIBUTED OR DELIVERED IN  
20    VIOLATION OF THIS SECTION SHALL BE CONTRABAND AND SUBJECT TO SEIZURE BY  
21    THE DEPARTMENT, THE DEPARTMENT OF HEALTH OR ANY LAW ENFORCEMENT OFFICER  
22    OF THE STATE.  
23    S 2. This act shall take effect on the one hundred eightieth day after  
24    it shall have become a law.

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

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