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

5127

2015-2016 Regular Sessions

I N S E N A T E

May 4, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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:

Section 1. The education law is amended by adding a new section 6810-a to read as follows:

S 6810-A. UNLAWFUL TRANSACTIONS. 1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO: (A) KNOWINGLY PACKAGE, SELL, DELIVER FOR SALE, HOLD FOR SALE OR OFFER FOR SALE, PURCHASE, DELIVER FOR PURCHASE, HOLD FOR PURCHASE OR OFFER FOR PURCHASE (I) ANY PRESCRIPTION DRUG THAT HE OR SHE KNOWS IS ADULTERATED, MISBRANDED, COUNTERFEIT OR HAS OTHERWISE BEEN RENDERED UNFIT FOR DISTRIBUTION, OR (II) ANY DRUG NOT APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION OR SUCCESSOR THERETO FOR SALE, OTHER THAN A DRUG COMPOUNDED BY A PHARMACIST PURSUANT TO A VALID PRESCRIPTION FROM AN AUTHORIZED PRESCRIBER; OR (B) INTENTIONALLY SELL, TRANSFER, DISTRIBUTE OR DELIVER A PRESCRIPTION DRUG TO ANY WHOLESALER WHO IS NOT LICENSED OR REGISTERED PURSUANT TO THIS ARTICLE. FOR PURPOSES OF THIS SECTION, A COMPOUNDED DRUG MEANS A DRUG CREATED BY THE COMBINING, ADMIXING, MIXING, DILUTING, POOLING, RECONSTITUTING, OR OTHERWISE ALTERING OF A MARKED AND APPROVED DRUG SUBSTANCE.

2. A PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A CLASS D FELONY.

3. ANY DRUG PACKAGED, SOLD, TRANSFERRED, DISTRIBUTED OR DELIVERED IN VIOLATION OF THIS SECTION SHALL BE CONTRABAND AND SUBJECT TO SEIZURE BY THE DEPARTMENT, THE DEPARTMENT OF HEALTH OR ANY LAW ENFORCEMENT OFFICER OF THE STATE.

S 2. This act shall take effect on the one hundred eightieth day after 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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