STATE OF NEW YORK

2772

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Insurance

AN ACT to amend the education law, in relation to pharmaceuticals 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 27 to read as follows:

27. "Aesthetic pharmaceutical" means:

a. bimatoprost;

b. eflornithine;

c. finasteride;

d. fluocinolone;

e. hydroquinone;

f. tretinoin;

g. minoxidil;

h. tazarotene; or

i. 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.

§ 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:

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

LBD03219-01-7

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.

§ 3. This act shall take effect immediately.