STATE OF NEW YORK

6104

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. LAVALLE -- 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 requiring non-resident pharmacy, manufacturing, wholesale or outsourcing facilities that ship, mail or deliver prescription drugs or devices to other establishments, authorized prescribers and/or patients residing in New York to be inspected within two years of application and demonstrate compliance with all standards of the verified pharmacy program administered by the National Association of Boards of Pharmacy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 1 and 5 of section 6808-b of the education law, subdivision 1 as amended by section 5 of part D of chapter 60 of the laws of 2014 and subdivision 5 as amended by chapter 567 of the laws of 2002, are amended to read as follows:

1. [~~Definition.~~] **Definitions. a.** The term "nonresident establishment" shall mean any pharmacy, manufacturer, wholesaler, **third-party logistics providers** or outsourcing facility located outside of the state that ships, mails or delivers prescription drugs or devices to other establishments, authorized prescribers and/or patients residing in this state. Such establishments shall include, but not be limited to, pharmacies that transact business through the use of the internet.

b. The term "third-party logistics provider" shall mean an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition.

5. Additional requirements. Nonresident pharmacies registered pursuant to this section shall:

a. Provide a toll-free telephone number that is available during normal business hours and at least forty hours per week, to enable

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

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communication between a patient in this state and a pharmacist at the pharmacy who has access to the patient's records; [~~and~~]

b. Place such toll-free telephone number on a label affixed to each drug or device container[~~.~~]**; and**

c. If engaged in the shipment, mailing or delivery of compounded sterile products, dispensed pursuant to patient-specific prescriptions, be inspected within two years of application and demonstrate compliance with all standards of the verified pharmacy program administered by the National Association of Boards of Pharmacy.

§ 2. Paragraph e of subdivision 2 of section 6808 of education law, as amended by chapter 62 of the laws of 1989, is amended to read as follows:

e. Conduct of a pharmacy. Every owner of a pharmacy is responsible for the strength, quality, purity and the labeling thereof of all drugs, toxic substances, devices and cosmetics, dispensed or sold, subject to the guaranty provisions of this article and the public health law. **Every New York state registered pharmacy shall purchase or obtain prescription drugs and devices directly from entities that have demonstrated compliance with all standards of the verified pharmacy program administrated by the National Association of Boards of Pharmacy.** Every owner of a pharmacy or every pharmacist in charge of a pharmacy shall be responsible for the proper conduct of this pharmacy. Every pharmacy shall be under the immediate supervision and management of a licensed pharmacist at all hours when open. No pharmacist shall have personal supervision of more than one pharmacy at the same time.

§ 3. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law.