STATE OF NEW YORK

3873

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. McDONALD, GALEF, MONTESANO, McDONOUGH, ORTIZ, DICKENS, GOTTFRIED, RIVERA -- Multi-Sponsored by -- M. of A. COOK, D'URSO, SIMON, THIELE, WRIGHT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the accreditation of 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

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

Section 1. Subdivision 1 of section 6808-b of the education law, as amended by section 5 of part D of chapter 60 of the laws of 2014, is amended, subdivisions 6, 7, 8 and 9 are renumbered 7, 8, 9 and 10 and a new subdivision 6 is added to read as follows:

1. [~~Definition.~~] **Definitions. a.** The term "nonresident establishment" shall mean any pharmacy, manufacturer, wholesaler, **third-party logistics provider** 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.

6. Additional requirements. Non-resident wholesalers and third-party logistics providers registered pursuant to this section and engaged in the act of wholesale drug distribution shall be accredited pursuant to

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

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the verified-accredited wholesale distributor program administered by the national association of boards of pharmacy.

§ 2. Paragraph e of subdivision 2 of section 6808 of the 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 authorized manufacturers or at wholesale only from New York state registered wholesalers, or those non-resident establishments registered by the department.** 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. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.