## STATE OF NEW YORK

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7379--A

2019-2020 Regular Sessions

## IN ASSEMBLY

April 29, 2019

Introduced by M. of A. BRAUNSTEIN -- 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 labeling of prescription drugs containing gluten, lactose or food dye

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

Section 1. Subdivision 1 of section 6810 of the education law, as amended by section 2 of part V of chapter 57 of the laws of 2012, is amended to read as follows:

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3 1. No drug for which a prescription is required by the provisions of the Federal Food, Drug and Cosmetic Act or by the commissioner of health shall be distributed or dispensed to any person except upon a prescription written by a person legally authorized to issue such prescription. Such drug shall be compounded or dispensed by a licensed pharmacist, and no such drug shall be dispensed without affixing to the immediate container in which the drug is sold or dispensed a label bear-10 ing the name and address of the owner of the establishment in which it 11 was dispensed, the date compounded, the number of the prescription under 12 13 which it is recorded in the pharmacist's prescription files, the name of 14 the prescriber, the name and address of the patient, and the directions for the use of the drug by the patient as given upon the prescription. 15 Except as otherwise authorized in the Federal Food, Drug and Cosmetic 16 Act, no drug containing any active or inactive ingredient made from any 17 18 gluten-containing grain, including wheat, barley, rye, or any crossbred 19 hybrid of such grains, or containing any active or inactive ingredient 20 containing lactose, or containing food dye, and for which any 21 prescription is required by the provisions of the Federal Food, Drug and 22 Cosmetic Act or by the commissioner of health contained within a bottle, vial, carton or other container, or in any way affixed or appended to or 24 enclosed within a package of any kind, and designated or intended for

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1 delivery in such container or package to an ultimate consumer, shall be dispensed or sold to an ultimate consumer within this state unless such container or package has clearly and permanently marked or imprinted 3 4 upon it in conformance with the applicable plan required by subdivision three of this section words clearly identifying each such active or inactive ingredient made from any gluten-containing grain or crossbred 7 hybrid, lactose, or food dye. All labels shall conform to such rules and regulations as promulgated by the commissioner pursuant to section 9 sixty-eight hundred twenty-nine of this article. The prescribing and dispensing of a drug which is a controlled substance shall be subject to 10 additional requirements provided in article thirty-three of the public 11 12 health law. The words "drug" and "prescription required drug" within the meaning of this article shall not be construed to include soft or hard 13 14 contact lenses, eyeglasses, or any other device for the aid or 15 correction of vision. Nothing in this subdivision shall prevent a phar-16 macy from furnishing a drug to another pharmacy which does not have such 17 drug in stock for the purpose of filling a prescription. 18

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or 20 repeal of any rule or regulation necessary for the implementation of 21 this act on its effective date are authorized to be made and completed 22 on or before such effective date.