

# STATE OF NEW YORK

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6108--A

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

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Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed 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:

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

4 1. No drug for which a prescription is required by the provisions of  
5 the Federal Food, Drug and Cosmetic Act or by the commissioner of health  
6 shall be distributed or dispensed to any person except upon a  
7 prescription written by a person legally authorized to issue such  
8 prescription. Such drug shall be compounded or dispensed by a licensed  
9 pharmacist, and no such drug shall be dispensed without affixing to the  
10 immediate container in which the drug is sold or dispensed a label bear-  
11 ing the name and address of the owner of the establishment in which it  
12 was dispensed, the date compounded, the number of the prescription under  
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  
15 for the use of the drug by the patient as given upon the prescription.

16 Except as otherwise authorized in the Federal Food, Drug and Cosmetic  
17 Act, no drug containing any active or inactive ingredient made from any  
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,  
23 vial, carton or other container, or in any way affixed or appended to or

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

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1 enclosed within a package of any kind, and designated or intended for  
2 delivery in such container or package to an ultimate consumer, shall be  
3 dispensed or sold to an ultimate consumer within this state unless such  
4 container or package has clearly and permanently marked or imprinted  
5 upon it in conformance with the applicable plan required by subdivision  
6 three of this section words clearly identifying each such active or  
7 inactive ingredient made from any gluten-containing grain or crossbred  
8 hybrid, lactose, or food dye. All labels shall conform to such rules and

9 regulations as promulgated by the commissioner pursuant to section  
10 sixty-eight hundred twenty-nine of this article. The prescribing and  
11 dispensing of a drug which is a controlled substance shall be subject to  
12 additional requirements provided in article thirty-three of the public  
13 health law. The words "drug" and "prescription required drug" within the  
14 meaning of this article shall not be construed to include soft or hard  
15 contact lenses, eyeglasses, or any other device for the aid or  
16 correction of vision. Nothing in this subdivision shall prevent a phar-  
17 macy from furnishing a drug to another pharmacy which does not have such  
18 drug in stock for the purpose of filling a prescription.

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