STATE OF NEW YORK

5667

2021-2022 Regular Sessions

IN SENATE

March 15, 2021

Introduced by Sen. BRESLIN -- 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 designated suppliers and authorized distributors of nonprescription blood glucose self-testing equipment, devices and supplies

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

Section 1. The education law is amended by adding a new section 6808-c to read as follows:

§ 6808-c. Suppliers and authorized distributors of nonprescription blood glucose self-testing equipment, devices and supplies. 1. As used in this section, "nonprescription blood glucose self-testing equipment, devices and supplies" means blood glucose monitors, continuous glucose monitors (CGM), blood glucose test strips, lancet devices and lancets, glucose control solutions for checking the accuracy of testing equipment and test strips, supply allowance for therapeutic continuous glucose monitors (CGM), including all supplies and accessories for use in the treatment of prediabetic or diabetic individuals that may be sold without a prescription and are labeled for use by the consumer in accordance with the requirements of the laws and rules of this state and the federal government.

2. Within one hundred eighty days of the effective date of this section, each manufacturer of nonprescription blood glucose self-testing equipment, devices and supplies shall submit to the state board of pharmacy a comprehensive list of designated suppliers and authorized distributors of nonprescription blood glucose self-testing equipment, devices and supplies. Such manufacturers shall update the state board of pharmacy when there are any changes to the list of designated suppliers and authorized distributors. Within ninety days of receiving that information, such board shall post the names of designated suppliers and authorized distributors on the department's website.

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

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3. It shall be unprofessional conduct for a pharmacist to:

a. dispense nonprescription blood glucose self-testing equipment, devices and supplies received from a person or entity that the pharmacist knew or reasonably should have known was not a manufacturer's designated supplier or authorized distributor; or

b. submit a reimbursement claim for nonprescription blood glucose self-testing equipment, devices and supplies to a pharmaceutical benefit manager, health insurer, government agency, or other third-party payor when the pharmacist knew or reasonably should have known that the diabetes test device was not purchased either directly from the manufacturer or from the nonprescription blood glucose self-testing equipment, devices and supplies manufacturer's designated supplier or authorized distributor.

§ 2. This act shall take effect immediately.