

# STATE OF NEW YORK

9616

## IN SENATE

December 16, 2022

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to enacting "Matthew's law"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Matthew's law".  
3 § 2. The public health law is amended by adding a new section 3309-b  
4 to read as follows:  
5 § 3309-b. Dispensing of drug adulterant testing supplies. 1. As used  
6 in this section:  
7 (a) "Drug adulterant testing supplies" means any drug testing product  
8 that is used to determine whether a controlled substance contains fenta-  
9 nyl or a fentanyl analog.  
10 (b) "Health care professional" means a person licensed, registered or  
11 authorized pursuant to title eight of the education law to prescribe  
12 prescription drugs.  
13 (c) "Pharmacist" means a person licensed or authorized to practice  
14 pharmacy pursuant to article one hundred thirty-seven of the education  
15 law.  
16 2. A health care professional or pharmacist may dispense drug adulter-  
17 ant testing supplies to any person. Any drug adulterant testing supplies  
18 dispensed under this section shall be stored at a licensed pharmacy,  
19 hospital, clinic, or other health care facility or at the medical office  
20 of a health care professional and in a manner that limits access to the  
21 drug adulterant testing supplies to health care professionals or pharma-  
22 cists employed at the pharmacy, hospital, clinic, or other health care  
23 facility or medical office and any persons designated by the health care  
24 professional or pharmacist. Drug adulterant testing supplies dispensed  
25 at a retail store containing a pharmacy under this section may be  
26 dispensed only from the pharmacy department of the retail store. No  
27 quantity of drug adulterant testing supplies greater than necessary to

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

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1 conduct five assays of substances suspected of containing adulterants  
2 shall be dispensed in any single transaction.

3 3. The commissioner shall promulgate all rules and regulations neces-  
4 sary for the implementation of this section.

5 § 3. This act shall take effect on the thirtieth day after it shall  
6 have become a law. Effective immediately, the addition, amendment and/or  
7 repeal of any rule or regulation necessary for the implementation of  
8 this act on its effective date are authorized to be made and completed  
9 on or before such effective date.