

# STATE OF NEW YORK

1534

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Higher Education

AN ACT to amend the public health law, in relation to allowing for the  
testing of certain infectious diseases at pharmacies

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

1 Section 1. Section 579 of the public health law is amended by adding a  
2 new subdivision 4 to read as follows:

3 4. (a) This title shall not be applicable in a declared state of emer-  
4 gency, pursuant to section twenty-eight of the executive law, to any  
5 licensed pharmacists ordering infectious disease tests, approved by the  
6 food and drug administration, to detect the infectious disease or its  
7 antibodies, and administering such tests, subject to certificate of  
8 waiver requirements pursuant to the federal clinical laboratory improve-  
9 ment act of nineteen hundred eighty-eight, to patients suspected of an  
10 infectious disease, or suspected of having recovered from an infectious  
11 disease, subject to completion of appropriate training developed by the  
12 department.

13 (b) In a declared state of emergency, pursuant to section twenty-eight  
14 of the executive law, licensed pharmacists shall be designated as a  
15 qualified healthcare professional for the purpose of directing a limited  
16 service laboratory, pursuant to subdivision three of this section, to  
17 test patients suspected of an infectious disease or its antibodies  
18 provided that such test is approved by the food and drug administration  
19 and waived for its use in a limited service laboratory.

20 § 2. This act shall take effect immediately.

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

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