STATE OF NEW YORK

1010--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Protection in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the sale of over-the-counter drugs and cosmetic products

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

Section 1. The article heading of article 38-A of the general business law, as added by chapter 697 of the laws of 1986, is amended to read as follows:

SALE OF OUTDATED
AND LABEL OBSTRUCTED OVER-THE-COUNTER DRUGS **AND**
COSMETIC PRODUCTS

§ 2. Section 820 of the general business law, as added by chapter 697 of the laws of 1986, is amended to read as follows:

§ 820. Unlawful practices. **1.** It shall be unlawful for any retailer:

[~~1.~~] **(a)** to knowingly sell or offer for sale, any drug **or cosmetic** sold over-the-counter without the need of a prescription, later than the date, if any, marked upon the label as indicative of the date beyond which the contents cannot be expected beyond reasonable doubt to be safe and effective; provided, however, that when such drug **or cosmetic** is identified as an outdated drug **or cosmetic** by segregation from regular stock or by other means, the holding of such drug **or cosmetic** beyond its expiration date shall not be deemed a violation of this section. When the expiration date is expressed by month and year, the expiration date shall be the last day of the month indicated; or

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

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[~~2.~~] **(b)** to knowingly alter, mutilate, destroy, obliterate**, obstruct** or remove by means of a price sticker or otherwise the whole or any part of [~~the expiration date displayed on~~] the label or packaging**, including, where applicable, the expiration date displayed thereon,** of any over-the-counter drug **or cosmetic.**

2. For purposes of this section, the following terms shall have the following meanings:

(a) "label" shall mean the label required by the statutes applicable to and regulations issued by the federal food and drug administration; and

(b) "cosmetic" shall mean articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, including but not limited to personal hygiene products such as deodorant, shampoo or conditioner.

§ 3. This act shall take effect immediately.