STATE OF NEW YORK

8525

IN ASSEMBLY

January 5, 2024

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to dispensing of drug adulterant testing supplies

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

Section 1. Section 3309-b of the public health law, as added by a chapter of the laws of 2023 constituting Matthew's law, as proposed in legislative bills numbers S. 2099-C and A. 5200-B, is amended to read as follows:

§ 3309-b. Dispensing of drug adulterant testing supplies. 1. As used in this section:

(a) "Drug adulterant testing supplies" means any drug testing product that is used to determine whether a [~~controlled~~] substance contains fentanyl or a fentanyl analog.

(b) "Health care professional" means a person licensed, registered or authorized pursuant to title eight of the education law to prescribe prescription drugs.

(c) "Pharmacist" means a person licensed or authorized to practice pharmacy pursuant to article one hundred thirty-seven of the education law.

2. A health care professional or pharmacist is authorized to dispense drug adulterant testing supplies to any person. [~~Any drug adulterant testing supplies dispensed under this section shall be stored at a licensed pharmacy, hospital, clinic, or other health care facility or at the medical office of a health care professional and in a manner that limits access to the drug adulterant testing supplies to health care professionals or pharmacists employed at the pharmacy, hospital, clinic, or other health care facility or medical office and any persons designated by the health care professional or pharmacist. Drug adulterant testing supplies dispensed at a retail store containing a pharmacy under this section shall be dispensed only from the pharmacy department of the retail store. No quantity of drug adulterant testing supplies greater~~

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

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~~than necessary to conduct five assays of substances suspected of containing adulterants shall be dispensed in any single transaction.~~]

3. **Nothing in this section shall be construed to require a license to distribute drug adulterant testing supplies to any person.** The commissioner [~~shall promulgate~~] **may make** all rules and regulations necessary for the implementation of this section.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 constituting Matthew's law, as proposed in legislative bills numbers S. 2099-C and A. 5200-B, takes effect.