

STATE OF NEW YORK

2099

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

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

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 shall dispense drug adul-
17 terant testing supplies to any person. Any drug adulterant testing
18 supplies dispensed under this section shall be stored at a licensed
19 pharmacy, hospital, clinic, or other health care facility or at the
20 medical office of a health care professional and in a manner that limits
21 access to the drug adulterant testing supplies to health care profes-
22 sionals or pharmacists employed at the pharmacy, hospital, clinic, or
23 other health care facility or medical office and any persons designated
24 by the health care professional or pharmacist. Drug adulterant testing

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

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1 supplies dispensed at a retail store containing a pharmacy under this
2 section shall be dispensed only from the pharmacy department of the
3 retail store. No quantity of drug adulterant testing supplies greater
4 than necessary to conduct five assays of substances suspected of
5 containing adulterants shall be dispensed in any single transaction.

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

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