

STATE OF NEW YORK

6111

2023-2024 Regular Sessions

IN SENATE

March 29, 2023

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

AN ACT to amend the public health law, in relation to requiring red cap tops with a printed warning for opioid medications

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

- 1 Section 1. The opening paragraph and paragraphs (b) and (c) of subdi-
2 vision 4 of section 3331 of the public health law, as added by chapter
3 415 of the laws of 1981, are amended to read as follows:
4 No such substance [~~may~~] shall be dispensed unless it is enclosed with-
5 in a suitable and durable container, and:
6 (b) Such container shall be identified as a controlled substance by
7 [~~either~~]:
8 (i) an orange label;
9 (ii) a label of another color over which is superimposed an orange
10 transparent adhesive tape; or
11 (iii) an auxiliary orange label affixed to the front of such container
12 and bearing the legend, prominently marked or printed "Controlled
13 Substance, Dangerous Unless Used As Directed";
14 (c) Such container shall be sealed with a red cap top with the printed
15 words: "Caution: opioid. Risk of overdose and addiction". If red cap
16 tops are not readily available due to production delays, such require-
17 ment may be satisfied by placing red stickers on top of existing caps,
18 provided that such red stickers cover most, if not all, of such cap
19 tops; and
20 (d) Any label, transparency, or auxiliary label shall be applied in a
21 manner which would inhibit its removal.
22 § 2. This act shall take effect on the sixtieth day after it shall
23 have become a law.

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

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