

# STATE OF NEW YORK

8192

## IN SENATE

January 11, 2024

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

AN ACT to amend the public health law and the education law, in relation to requiring prescriptions to include a quick response code containing certain information

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

1 Section 1. Section 3302 of the public health law is amended by adding  
2 a new subdivision 42 to read as follows:

3 42. "Quick response code" means a machine-readable optical label that  
4 can be scanned and interpreted for supplemental information about a  
5 prescription to which it is attached.

6 § 2. The public health law is amended by adding a new section 3336 to  
7 read as follows:

8 § 3336. Supplemental quick response code. 1. The commissioner, in  
9 conjunction with the commissioner of the department of education, shall  
10 develop a quick response code to be included with a label affixed to a  
11 prescription administered and dispensed by a practitioner pursuant to  
12 section thirty-three hundred thirty-one of this title or dispensed by a  
13 licensed pharmacist pursuant to section thirty-three hundred thirty-  
14 three of this title to assist interpretation of such prescription by the  
15 elderly, which for purposes of this section mean persons fifty-five  
16 years of age or older, and individuals with a developmental disability,  
17 as such term is defined pursuant to subdivision twenty-two of section  
18 1.03 of the mental hygiene law. Such quick response code shall include:

19 (a) the name and address of the ultimate user for whom the substance  
20 is intended, or if intended for use upon an animal, the species of such  
21 animal and the name and address of the owner or person in custody of  
22 such animal;

23 (b) the name, address, and telephone number of the dispensing practi-  
24 titioner and/or pharmacy from which such substance is dispensed;

25 (c) the date the substance was compounded;

26 (d) specific directions for use, including but not limited to the  
27 dosage and frequency of dosage, and the maximum daily dosage, as given  
28 upon the prescription;

29 (e) the name of the prescribing dispensing practitioner and/or pharma-  
30 cy;

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

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1 (f) the legend, prominently displayed in either boldface or upper-case  
2 lettering: "CONTROLLED SUBSTANCE, DANGEROUS UNLESS USED AS DIRECTED";

3 (g) the date of dispensing;

4 (h) either the name of the substance or such code number assigned by  
5 the department for the particular substance pursuant to section thirty-  
6 three hundred eighteen of this article;

7 (i) the number of the prescription under which it is recorded in the  
8 pharmacist's prescription file; and

9 (j) any other information as deemed necessary by the commissioner.

10 2. A quick response code shall be considered supplemental information  
11 for the ultimate user and shall not be considered an official New York  
12 state prescription or electronic prescription for scheduled substances.

13 3. The inclusion of a quick response code shall not obviate any other  
14 requirement of this article. Additionally, a quick response code shall  
15 incorporate standardized patient-centered data elements, when feasible,  
16 pursuant to section sixty-eight hundred thirty of the education law.

17 § 3. Subdivision 1 of section 6810 of the education law, as amended by  
18 section 2 of part V of chapter 57 of the laws of 2012, is amended to  
19 read as follows:

20 1. No drug for which a prescription is required by the provisions of  
21 the Federal Food, Drug and Cosmetic Act or by the commissioner of health  
22 shall be distributed or dispensed to any person except upon a  
23 prescription written by a person legally authorized to issue such  
24 prescription. Such drug shall be compounded or dispensed by a licensed  
25 pharmacist, and no such drug shall be dispensed without affixing to the  
26 immediate container in which the drug is sold or dispensed a label bear-  
27 ing the name and address of the owner of the establishment in which it  
28 was dispensed, the date compounded, the number of the prescription under  
29 which it is recorded in the pharmacist's prescription files, the name of  
30 the prescriber, the name and address of the patient, and the directions  
31 for the use of the drug by the patient as given upon the prescription.  
32 All labels shall conform to such rules and regulations as promulgated by  
33 the commissioner pursuant to section sixty-eight hundred twenty-nine of  
34 this article. All labels shall conform to such rules and regulations as  
35 promulgated by the commissioner of education, in conjunction with the  
36 commissioner of the department of health, pursuant to section thirty-  
37 three hundred thirty-six of the public health law; provided, however,  
38 that conformity with such rules and regulations shall not fulfill a  
39 requirement under section sixty-eight hundred twenty-nine of this arti-  
40 cle. The prescribing and dispensing of a drug which is a controlled  
41 substance shall be subject to additional requirements provided in arti-  
42 cle thirty-three of the public health law. The words "drug" and  
43 "prescription required drug" within the meaning of this article shall  
44 not be construed to include soft or hard contact lenses, eyeglasses, or  
45 any other device for the aid or correction of vision. Nothing in this  
46 subdivision shall prevent a pharmacy from furnishing a drug to another  
47 pharmacy which does not have such drug in stock for the purpose of fill-  
48 ing a prescription.

49 § 4. Subdivision 2 of section 6829 of the education law is amended by  
50 adding a new paragraph (d) to read as follows:

51 (d) The services required by this section shall not be provided for  
52 the requirements of section thirty-three hundred thirty-six of the  
53 public health law.

54 § 5. This act shall take effect one year after it shall have become a  
55 law.