

# STATE OF NEW YORK

5200--B

2023-2024 Regular Sessions

## IN ASSEMBLY

March 3, 2023

Introduced by M. of A. McDONALD, BENDETT, McDONOUGH, FAHY, FORREST -- read once and referred to the Committee on Health -- 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 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 is authorized to dispense  
17 drug adulterant testing supplies to any person. Any drug adulterant  
18 testing supplies dispensed under this section shall be stored at a  
19 licensed pharmacy, hospital, clinic, or other health care facility or at  
20 the medical office of a health care professional and in a manner that  
21 limits access to the drug adulterant testing supplies to health care  
22 professionals or pharmacists employed at the pharmacy, hospital, clinic,

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

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1 or other health care facility or medical office and any persons desig-  
2 nated by the health care professional or pharmacist. Drug adulterant  
3 testing supplies dispensed at a retail store containing a pharmacy under  
4 this section shall be dispensed only from the pharmacy department of the  
5 retail store. No quantity of drug adulterant testing supplies greater  
6 than necessary to conduct five assays of substances suspected of  
7 containing adulterants shall be dispensed in any single transaction.

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

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