STATE OF NEW YORK

2099--C

Cal. No. 833

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. HARCKHAM, COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Short title. This act shall be known and may be cited as "Matthew's law".

§ 2. The public health law is amended by adding a new section 3309-b 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.

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

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

3. The commissioner shall promulgate all rules and regulations necessary for the implementation of this section.

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