STATE OF NEW YORK

5299

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sens. ASHBY, BORRELLO, RHOADS, WEBER -- 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:

Section 1. The opening paragraph and paragraphs (b) and (c) of subdivision 4 of section 3331 of the public health law, as added by chapter 415 of the laws of 1981, are amended to read as follows:

No such substance [~~may~~] **shall** be dispensed unless it is enclosed within a suitable and durable container, and:

(b) Such container shall be identified as a controlled substance by [~~either~~]:

(i) an orange label;

(ii) a label of another color over which is superimposed an orange transparent adhesive tape; or

(iii) an auxiliary orange label affixed to the front of such container and bearing the legend, prominently marked or printed "Controlled Substance, Dangerous Unless Used As Directed";

(c) **Such container shall be sealed with a red cap top with the printed words: "Caution: OPIOID. Risk of overdose and addiction", or such similar wording as developed and approved by the department. If red cap tops are not readily available due to production delays, such requirement may be satisfied by placing red stickers on top of existing caps, provided that such red stickers cover most, if not all, of such cap tops; and**

(d) Any label, transparency, or auxiliary label shall be applied in a manner which would inhibit its removal.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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