

STATE OF NEW YORK

621

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the use of topical pharmaceutical agents

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

1 Section 1. Paragraphs (d), (e) and (f) of subdivision 1 of section
2 7101-a of the education law, paragraph (d) as added by chapter 517 of
3 the laws of 1995 and paragraphs (e) and (f) as amended by chapter 506 of
4 the laws of 2021, are amended to read as follows:

5 (d) Diagnostic pharmaceuticals. Diagnostic pharmaceuticals shall mean
6 those drugs which shall be limited to topical applications [~~to the~~
7 ~~surface of the eye~~] for the purpose of diagnostic examination of the eye
8 [~~and shall be limited to:~~

9 ~~(i) Anesthetic agents,~~

10 ~~(ii) Mydriatics,~~

11 ~~(iii) Cycloplegics,~~

12 ~~(iv) Miotics,~~

13 ~~(v) Disclosing agents and other substances used in conjunction with~~
14 ~~these drugs as part of a diagnostic procedure] and adnexa.~~

15 (e) Topical therapeutic pharmaceutical agents. Topical therapeutic
16 pharmaceutical agents shall mean those drugs which shall be limited to
17 topical application [~~to the surface of the eye~~] for therapeutic purposes
18 [~~and shall be limited to:~~

19 ~~(i) antibiotic/antimicrobials,~~

20 ~~(ii) decongestants/anti-allergenic,~~

21 ~~(iii) non-steroidal anti-inflammatory agents,~~

22 ~~(iv) steroidal anti-inflammatory agents,~~

23 ~~(v) antiviral agents,~~

24 ~~(vi) hyperosmotic/hypertonic agents,~~

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

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1 ~~(vii) cycloplegics,~~
2 ~~(viii) artificial tears and lubricants, and~~
3 ~~(ix) immunosuppressive agents]~~ of the eye and adnexa.

4 (f) Therapeutic pharmaceutical agents for treatment of glaucoma and
5 ocular hypertension. Therapeutic pharmaceutical agents for treatment of
6 glaucoma and ocular hypertension shall mean those drugs which shall be
7 limited to topical application [~~to the surface~~] for therapeutic purposes
8 of the eye and [~~shall be limited to:~~

9 ~~(i) beta blockers,~~
10 ~~(ii) alpha agonists,~~
11 ~~(iii) direct acting cholinergic agents,~~
12 ~~(iv) prostaglandin analogs, and~~
13 ~~(v) carbonic anhydrase inhibitors]~~ adnexa.

14 § 2. Paragraph (e) of subdivision 4 of section 7101-a of the education
15 law, as added by chapter 517 of the laws of 1995 and as relettered by
16 chapter 506 of the laws of 2021, is amended to read as follows:

17 (e) The provisions of paragraphs (a) and (b) of this subdivision shall
18 not apply to (i) graduates of an appropriate program approved by the
19 department who have successfully passed the examination on the use of
20 diagnostic and therapeutic [~~drugs~~] agents and who graduated subsequent
21 to January first, nineteen hundred ninety-three; or (ii) optometrists
22 who have been certified for at least five years to use [~~phase one~~]
23 topical therapeutic agents and [~~phase two drugs~~] therapeutic pharmaceu-
24 tical agents for treatment of glaucoma and ocular hypertension in anoth-
25 er jurisdiction, have demonstrated such use in independently managed
26 patients, and have been licensed in accordance with section seventy-one
27 hundred four of this chapter. Provided, however, no optometrist exempt
28 under this paragraph shall be permitted to use [~~phase one~~] topical ther-
29 apeutic pharmaceutical agents or [~~phase two~~] therapeutic pharmaceutical
30 agents for treatment of glaucoma and ocular hypertension prior to the
31 general authorization provided to optometrists licensed in this state.

32 § 3. The opening paragraph of paragraph (b) and paragraph (c) of
33 subdivision 10 of section 7101-a of the education law, as amended by
34 chapter 506 of the laws of 2021, are amended to read as follows:

35 Those optometrists having been certified for topical therapeutic phar-
36 maceutical agents shall be authorized to use and prescribe all topical
37 therapeutic pharmaceutical agents [~~specified in paragraph (c) of subdi-~~
38 ~~vision one of this section~~], which are FDA approved and commercially
39 available for topical use.

40 (c) Those optometrists having been certified for therapeutic pharma-
41 ceutical agents for treatment of glaucoma and ocular hypertension shall
42 be authorized to use and prescribe therapeutic pharmaceutical agents for
43 treatment of glaucoma and ocular hypertension [~~specified in paragraph~~
44 ~~(f) of subdivision one of this section~~], which are FDA approved and
45 commercially available.

46 § 4. This act shall take effect immediately.