



## NEW YORK

### State-Specific Controlled Substance Requirements

*Updated 5/31/23*

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| <b>Biennial Inventory (NY):</b>  | According to NYS Law, biennial inventory must be taken every <b>two years on odd numbered years on May 1<sup>st</sup></b> . <a href="#">NYS Section 80.111-80.112</a>  |
| <b>Biennial Inventory (DEA):</b> | <p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [<a href="#">21 CFR 1304.11</a>]</p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>• Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>• Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your annual inventory for the state.</li> <li>• Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness.</li> </ul> <p>Biennial inventories must indicate whether they are conducted at the start or close.</p>  |
| <b>CE:</b>                       | <ul style="list-style-type: none"> <li>▪ <u>Veterinarians</u>: 45 hours every 3 years.</li> <li>▪ <u>Veterinarian Technicians</u>: 24 hours every 3 years</li> </ul> <p>CE records must be saved for 6 years.</p> <p><b>Opioid Prescribing: The number of CE credits required to fulfill New York’s controlled substance education requirement is two (2). Any online course that focuses on the use, misuse, documentation, safeguarding and prescribing of controlled substances will satisfy the requirement.</b></p> <p><a href="#">Title 8, Subpart 62.8</a></p>  |
| <b>Certifications:</b>           | All animal facilities permitted by the DOHMH <u>must have someone with a certificate in Animal Care &amp; Handling on duty when the business is open to the public</u> . The certificate must be available during the pre-permit inspection and on site and available at all other times.  |
| <b>Compounding:</b>              | <p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> <li>• Creating a transdermal gel for a drug typically taken through other routes</li> <li>• Mixing two solutions for instilling into the ear</li> </ul> <p><u>NY Compounding:</u><br/> "<u>Compounding</u>" means the combining, admixing, mixing, diluting, pooling, reconstituting, or otherwise altering of a drug or bulk drug substance to create a drug with respect to an outsourcing facility under section 503B of the federal Food, Drug and Cosmetic Act and further defined in this section.</p> <p>a pharmacist may dispense drugs, including veterinary-specific compounded medications, to a veterinarian, and a veterinarian may possess and keep in stock for administration and sale, such drugs pursuant to a non-patient specific regimen prescribed or ordered by any practitioner</p> |



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|                                    | <p>of veterinary medicine licensed pursuant to article one hundred thirty-five of the education law. provided, however, that any dispensing of drugs containing opioids or other controlled substances shall be subject to limitations determined by the department of health.</p> <p><a href="#">Senate Bill S4247A</a></p>   |
| <p><b>Dispensing:</b></p>          | <p>"Dispense" means to deliver a controlled substance to an ultimate user or research subject by lawful means, including by means of the internet, and includes the packaging, labeling, or compounding necessary to prepare the substance for such delivery.</p> <p>As of August 27, 2013, <b>veterinarians are required to report any controlled substance dispensing activity to the NYSDOH BNE within 24 hours.</b> The reporting is done through the Health Commerce System (HCS) account previously used by the veterinarian to report controlled substance dispensing on a monthly basis.</p> <p><u>Zero Reporting:</u> "Dispensing practitioners" are required to file a zero report, which is a report that no controlled substances were dispensed during the relevant period of time. If a practitioner has never dispensed controlled substances, does not currently dispense controlled substances, and will not dispense controlled substances in the future, then she or he is not considered a dispensing practitioner and the zero reporting requirements do not apply to her or him. If a practitioner is or becomes a dispensing practitioner then that practitioner must comply with all reporting requirements, including filing zero reports.</p> <p>Zero reports are required to be filed within 14 days of either the most recent previously reported dispensing of a controlled substance, the submission of a prior zero report, or the termination of a waiver of the requirement to file a zero report. If a practitioner will no longer be a dispensing practitioner, she or he may apply to the Commissioner of Health via BNE for a waiver from zero reporting requirements which, if granted, may not exceed two years. Subsequent waivers may be requested.</p> <p>Controlled substances administered by a veterinarian and any prescription for a controlled substance written by a veterinarian (and filled at a pharmacy) are not required to be reported by a veterinarian.</p> |
| <p><b>Diversion Reporting:</b></p> | <p>Article 33 of the New York State Public Health Law requires each incident or alleged incident of theft, loss or possible diversion of controlled substances manufactured, ordered, distributed or possessed by such person, be reported promptly.</p> <p>A copy of the report must be maintained for five years in accordance with Section 3370 of the Public Health Law and Regulation 80.110.</p> <p><a href="#">Loss of Controlled Substances Report Form</a></p>  |
| <p><b>Euthanasia:</b></p>          | <p>Euthanasia may be performed by:</p> <ul style="list-style-type: none"> <li>▪ Licensed veterinarians</li> <li>▪ Certified Euthanasia Technicians</li> <li>▪ Licensed Veterinary Technicians</li> <li>▪ Authorized agent of an incorporated society for the prevention of cruelty to animals</li> </ul> <p>a. Except as provided in subdivision four of this section, euthanasia of animals pursuant to this section shall be accomplished solely by means of injection of sodium pentobarbital or sodium pentobarbital solution administered by a certified euthanasia technician, a licensed veterinarian or a licensed veterinary technician. Euthanasia by intracardiac injection of sodium pentobarbital or sodium pentobarbital solution shall be performed only upon animals that are heavily sedated, anesthetized, or comatose. However, only a licensed veterinarian may perform euthanasia by</p>  |



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|   | <p>intracardiac injection of sodium pentobarbital or sodium pentobarbital solution upon animals that are not heavily sedated, anesthetized or comatose and only when such licensed veterinarian determines that such intracardiac injection is the most humane option available. Whenever a cardiac injection of sodium pentobarbital or sodium pentobarbital solution is administered by a licensed veterinarian upon an animal that is not heavily sedated, anesthetized or comatose, such veterinarian must document, in writing, the administration of such injection and the reason for its administration. Such documentation shall be retained for at least three years. Under no circumstances shall intracardiac injection be performed on animals that are not heavily sedated, anesthetized or comatose where such animals are under the care of any duly incorporated society for the prevention of cruelty to animals, animal shelter, humane society or pound.</p> <p>b. No animal shall be left unattended between the time that the euthanasia procedure begins and the time when death is confirmed. The body of a euthanized animal shall not be disposed of in any manner until death is confirmed by a licensed veterinarian, a certified euthanasia technician or a licensed veterinary technician. Violations of this paragraph shall be punishable by a civil penalty of not more than five hundred dollars.</p> <p><a href="#">10 NYCRR 80.134(f)(1)</a><br/> <a href="#">10 NYCRR 80.134(a)(1)</a></p> |
| <p><b>NYS PDMP:</b></p>                                   | <p>New York veterinarians are specifically <b>exempted</b> from the requirement that the NYS PMP registry be consulted before prescribing or dispensing a controlled substance for a patient.</p>   |
| <p><b>NY Scheduled Controlled Substances</b></p>          | <p>NY Schedule II controlled substances with mandated reporting to the NYS PDMP (<u>veterinarians exempt</u>):</p> <ul style="list-style-type: none"> <li>▪ Dihydrotestosterone</li> <li>▪ Fluoxymesterone</li> <li>▪ HGC</li> <li>▪ Methyitestosterone</li> <li>▪ Mibolerone</li> <li>▪ Nandrolone</li> <li>▪ Oxandrolone</li> <li>▪ Oxymetholone</li> <li>▪ Testosterone</li> </ul>   |
| <p><b>NY Veterinary Medical Professional License:</b></p> | <p>New York law requires veterinary practitioners working with controlled substances to have a valid DEA registration and Veterinary Medical Professional License for the State of New York from the New York State Department of Education (NYSDOE)</p>  |
| <p><b>Ownership:</b></p>                                  | <p>Non-veterinarian ownership is restricted.</p>  |
| <p><b>Permits:</b></p>                                    | <p>An active Small Animal Establishment Permit is required in New York for veterinary facilities from the NY Department of Health &amp; Mental Hygiene (DOHMH).</p>   |
| <p><b>Prescriptions:</b></p>                              | <p>"<u>Prescription</u>" shall mean an official New York state prescription, an electronic prescription, an oral prescription or an out-of-state prescription.</p> <p><u>E-prescribing</u>: Veterinarians are specifically <b>exempted</b> from the requirement that controlled substance prescriptions be transmitted electronically to a pharmacy. Veterinarians can still write prescriptions for controlled substances on an official NYS prescription form.</p> <p><u>VCPR prescribing requirement</u>: Veterinarians should only prescribe, deliver, or have delivered prescription drugs when a VCPR has been established and the veterinarian has determined that the prescription drug is therapeutically indicated for the health and/or well-being of the animal. A veterinarian cannot fill prescriptions from other veterinarians (<a href="http://www.op.nysed.gov/prof/vetmed/vetpg5.htm">http://www.op.nysed.gov/prof/vetmed/vetpg5.htm</a>).</p> <p><u>Samples</u>: Samples of controlled substances are <b>not allowed in NYS</b>.</p>  |



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| <b>Power of Attorney Notarization:</b>                | New York's new POA law requires that the principal's signature be notarized in addition to the POA being signed with two witnesses present (note that the notary can be one of your witnesses).<br><a href="#">General Obligations (GOB) CHAPTER 24-A, ARTICLE 5, TITLE 15, § 5-1501B</a>   |
| <b>Recordkeeping:</b>                                 | <p><u>CS records:</u> NY requires controlled substance records to be kept for <b>five years</b> on-site in a readily retrievable manner for inspection. This includes records of deceased animal patients.</p> <p><u>Patient records:</u> New York regulations state that it is unprofessional conduct to fail to maintain records for a period of at least <b>3 years</b>.</p> <p><u>Practitioner records:</u> Every authorized practitioner shall keep a record of all controlled substances purchased by him and a record of all such drugs dispensed or administered by him out of his own stock of such drugs for at least <u>two years</u>. <a href="#">NYS Section 80.105</a></p>  |
| <b>State CS License:</b>                              | New York <u>does not</u> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in New York.   |
| <b>State Scheduled CS's:</b>                          | <p><u>Xylazine:</u> In 2017, Senate Bill <a href="#">S7397</a> sought to make xylazine a schedule III controlled substance depressant. It was approved by the Senate but never passed in the Assembly.</p> <p>New York now has two new legislative bills in motion, <a href="#">SB 5439</a> introduced on March 6, 2023 and Assembly Bill <a href="#">AB 5914</a> introduced on March 24, 2023, both of which are seeking to make xylazine a Schedule III depressant. <b>Legislation is currently pending</b></p>   |
| <b>Supervision:</b>                                   | <p>1.12 Supervision</p> <ol style="list-style-type: none"> <li>1. When an individual is practicing under the general supervision of a licensed veterinarian, the veterinarian must be readily available to communicate with the person under supervision.</li> <li>2. When an individual is practicing under the direct supervision of a licensed veterinarian, the veterinarian must be on the same premises as the person under supervision.</li> <li>3. When an individual is practicing under the immediate personal supervision of a licensed veterinarian, the veterinarian must be within audible or visual range of both the person under supervision and the animal patient and be able to intervene personally in the procedure, if necessary.</li> </ol> <p><a href="https://www.op.nysed.gov/professions/veterinary-medicine/definitions-of-terms">https://www.op.nysed.gov/professions/veterinary-medicine/definitions-of-terms</a></p> <p>The functions of a veterinary technician shall be performed pursuant to the direction and under the general supervision of a licensed veterinarian. Such general supervision shall not be construed to require the physical presence of the supervising veterinarian at the time and place where such services are performed.</p> |
| <b>Telemedicine:</b>                                  | No existing laws. Where telemedicine occurs is not defined.   |
| <b>Transfers:</b>                                     | Transfers are not allowed for any controlled substances in New York State.  |
| <b>Veterinary Client Patient Relationship (VCPR):</b> | <p>New York has guidelines regarding establishing VCPR/telemedicine but clearly states that these are not legally binding, although it is recommended to follow the guidelines. <b>VCPR must be established in-person but can apply to any veterinarian at the same practice.</b></p> <p>According to the Office of Professions-Practice Guidelines, a VCPR exists when:</p> <ol style="list-style-type: none"> <li>A. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient with the assent of the owner of the animal or their duly authorized agent;</li> <li>B. The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that that the</li> </ol>  |



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|  | <p>veterinarian is personally acquainted with the keeping and care of the patient by virtue of:</p> <ol style="list-style-type: none"><li>i. <u>A timely examination of the patient by the veterinarian,</u></li><li>ii. Medically appropriate and timely visits by the veterinarian to the operation where the patient is managed, or</li><li>iii. Medically appropriate and timely visits by the patient to the veterinary facility where the veterinarian is working</li></ol> <p>C. The veterinarian is readily available for follow-up evaluation and oversight of treatment and outcomes or has arranged for appropriate continuing care and treatment;</p> <p>D. Patient records are maintained<br/>(<a href="http://www.op.nysed.gov/prof/vetmed/vetpg5.htm">http://www.op.nysed.gov/prof/vetmed/vetpg5.htm</a>).</p> <p>Veterinarians should only prescribe, deliver, or have delivered prescription drugs when a VCPR has been established and the veterinarian has determined that the prescription drug is therapeutically indicated for the health and/or well-being of the animal.<br/>(<a href="http://www.op.nysed.gov/prof/vetmed/vetpg5.htm">http://www.op.nysed.gov/prof/vetmed/vetpg5.htm</a> ).</p> |
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### Information and Resources

#### **FEDERAL:**

Drug Enforcement Administration, New York Division  
99 10th Ave, New York, NY 10011  
Phone: (212)337-3900

#### **Local DEA Offices:**

- Albany - (518) 782-2000
- Buffalo - (716) 846-6000
- Long Island - (631) 420-4500
- Plattsburgh - (518) 562-6900
- Rochester - (585) 263-3180
- Syracuse - (315) 426-5300
- Westchester - (914) 682-6256

Federal Law: [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>

#### **STATE:**

NY State Education Department  
Office of the Professions  
State Board for Veterinary Medicine  
89 Washington Avenue  
Albany, New York 12234-1000



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NY Vet Board: <http://www.op.nysed.gov/prof/vetmed/vetforms.htm>

Veterinary Medicine: Stephen J. Boese, Executive Secretary.

Email: [vetmedbd@nysed.gov](mailto:vetmedbd@nysed.gov)

Phone: 518-474-3817, Press 1 then ext. 210 | Fax: 518-486-4846