



NEW YORK STATE BOARD OF PHARMACY
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Dear Non-Resident Applicant:

Non-resident business entities that do business in New York State must have a registered agent for service of process in New York State. A resident agent is a contact person (e.g. New York State lawyer) or agent to receive legal papers when a corporation is served for a legal reason. This resident agent may work for a fee and then passes legal papers to the corporation that is being served.

If you do not have a registered agent for service of legal reasons, we refer you to Sections 304 and 305 of the New York State Business Corporation Law (see below) which require that the Secretary of State of New York be designated as agent for service of process for every foreign or domestic corporation doing business in New York. If you have not already done so, you will need to file the appropriate documents with the Department of State in order to business in New York State. If you relocate your establishment, please check with the New York State Department of State regarding their filing requirements, in addition to filing the appropriate documentation with the New York State Board of Pharmacy.

You may contact the New York State Department of State at (518) 473-2492. Additional information, instructions and application forms are available at the Department of State's website at <http://www.dos.state.ny.us/corp/corpwww.html>.

S 304. Statutory designation of secretary of state as agent for service of process. (a) The secretary of state shall be the agent of every domestic corporation and every authorized foreign corporation upon whom process against the corporation may be served. (b) No domestic or foreign corporation may be formed or authorized to do business in this state under this chapter unless in its certificate of incorporation or application for authority it designates the secretary of state as such agent. (c) Any designation by a domestic or a foreign corporation of the secretary of state as such agent, which designation is in effect on the effective date of this chapter, shall continue. Every domestic or foreign corporation, existing or authorized on the effective date of this chapter, which has not designated the secretary of state as such agent, shall be deemed to have done so. Any designation prior to the effective date of this chapter by a foreign corporation of an agent other than the secretary of state shall terminate on the effective date of this chapter. (d) Any designated post-office address to which the secretary of state shall mail a copy of process served upon him as agent of a domestic corporation or a foreign corporation, shall continue until the filing of a certificate under this chapter directing the mailing to a different post-office address.

S 305. Registered agent for service of process. (a) In addition to such designation of the secretary of state, every domestic corporation or authorized foreign corporation may designate a registered agent in this state upon whom process against such corporation may be served. The agent shall be a natural person who is a resident of or has a business address in this state or a domestic corporation or foreign corporation of any type or kind formed, or authorized to do business in this state, under this chapter or under any other statute of this state. (b) Any such designation of a registered agent may be made, revoked or changed as provided in this chapter. (c) A registered agent may resign as such agent. A certificate, entitled "Certificate of resignation of registered agent of (name of designating corporation) under section 305 of the Business Corporation Law", shall be signed by him and delivered to the department of state. It shall set forth: (1) That he resigns as registered agent for the designating corporation. (2) The date the certificate of incorporation or the application for authority of the designating corporation was filed by the department of state. (3) That he has sent a copy of the certificate of resignation by registered mail to the designating corporation at the post office address on file in the department of state specified for the mailing of process or if such address is the address of the registered agent, then to the office of the designating corporation in the jurisdiction of its formation or incorporation. (d) The designation of a registered agent shall terminate thirty days after the filing by the department of state of a certificate of resignation or a certificate containing a revocation or change of the designation, whichever is filed earlier. A certificate designating a new registered agent may be delivered to the department of state by the corporation within the thirty days or thereafter.