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2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. STAVISKY -- 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 establishing the drug manufacturer collection program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The public health law is amended by adding a new section  
2     2811-a to read as follows:

3     S 2811-A. DISPOSAL OF DRUGS. NO HOSPITAL OR RESIDENTIAL HEALTH CARE  
4     FACILITY SHALL DISPOSE OF ANY DRUG IN ANY OTHER MANNER THAN THAT ESTAB-  
5     LISHED BY SECTION THIRTY-THREE HUNDRED SEVENTEEN OF THIS CHAPTER.

6     S 2. The public health law is amended by adding a new section 3317 to  
7     read as follows:

8     S 3317. MANUFACTURER DRUG COLLECTION PROGRAM. 1. EVERY MANUFACTURER OF  
9     DRUGS SHALL ESTABLISH AND IMPLEMENT A COLLECTION PROGRAM FOR UNUSED AND  
10    EXPIRED DRUGS HELD BY HOSPITALS AND RESIDENTIAL HEALTH CARE FACILITIES.  
11    EACH MANUFACTURER SHALL BE RESPONSIBLE FOR ALL COSTS AND THE SECURITY OF  
12    ITS DRUG COLLECTION PROGRAM.

13    2. ANY SUCH MANUFACTURER MAY CONTRACT WITH A SUITABLE PUBLIC OR  
14    PRIVATE THIRD PARTY FOR THE ESTABLISHMENT AND IMPLEMENTATION OF ITS DRUG  
15    COLLECTION PROGRAM PURSUANT TO THIS SECTION. EVERY MANUFACTURER WHICH  
16    CONTRACTS WITH A THIRD PARTY PURSUANT TO THIS SUBDIVISION SHALL FULLY  
17    REIMBURSE THE THIRD PARTY FOR ALL COSTS OF IMPLEMENTING ITS DRUG  
18    COLLECTION PROGRAM.

19    3. EVERY HOSPITAL AND RESIDENTIAL HEALTH CARE FACILITY SHALL RETURN  
20    ALL ITS UNUSED AND EXPIRED DRUGS TO THE APPROPRIATE MANUFACTURER'S DRUG  
21    COLLECTION PROGRAM.

22    4. EVERY MANUFACTURER SHALL DISPOSE OF ALL DRUGS COLLECTED PURSUANT TO  
23    THIS SECTION IN AN ENVIRONMENTALLY SOUND MANNER AS PROVIDED IN RULES AND  
24    REGULATIONS PROMULGATED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

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

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1       5. EVERY MANUFACTURER, SHALL ON A BIANNUAL BASIS, SUBMIT A WRITTEN  
2 REPORT TO THE DEPARTMENT ON ITS DRUG COLLECTION PROGRAM, INCLUDING THE  
3 TYPES AND AMOUNTS OF DRUGS COLLECTED.  
4       S 3. This act shall take effect on the first of January next succeed-  
5 ing the date on which it shall have become a law.