

2364

2013-2014 Regular Sessions

I N S E N A T E

January 16, 2013

Introduced by Sen. KLEIN -- 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 filing of prescription information with the department of health, disclosure of patient information, establishing a report on prescription patterns in the state and establishing a safe disposal of prescription drugs task force

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

1 Section 1. Section 3332 of the public health law is amended by adding
2 a new subdivision 5 to read as follows:
3 5. THE PRACTITIONER SHALL FILE THE INFORMATION INCLUDED ON EACH SUCH
4 PRESCRIPTION WITH THE DEPARTMENT BY ELECTRONIC MEANS IN SUCH MANNER,
5 FORM AND DETAIL AS SHALL BE REQUIRED BY REGULATIONS PROMULGATED BY THE
6 COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION.
7 S 2. Paragraph (f) of subdivision 1 of section 3371 of the public
8 health law, as added by section 4 of part A of chapter 447 of the laws
9 of 2012, is amended to read as follows:
10 (f) to a pharmacist OR INSTITUTIONAL DISPENSER to provide information
11 regarding prescriptions for controlled substances presented to the phar-
12 macist OR INSTITUTIONAL DISPENSER for the purposes of subdivision two of
13 this section and to facilitate the department's review of individual
14 challenges to the accuracy of controlled substances histories pursuant
15 to subdivision six of section thirty-three hundred forty-three-a of this
16 article;
17 S 3. The public health law is amended by adding two new sections 3375
18 and 3376 to read as follows:
19 S 3375. REPORT ON PRESCRIPTION PATTERNS IN THE STATE. 1. THE DEPART-
20 MENT SHALL DEVELOP A DRAFT REPORT USING EXISTING PRESCRIPTION DATA IN
21 ORDER TO IDENTIFY ANY POSSIBLE PATTERNS IN THE PRESCRIPTION OF
22 CONTROLLED SUBSTANCES WITHIN THE STATE, SPECIFICALLY AIMED AT EXPOSING

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

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1 ANY PATTERNS THAT SUGGEST CASES OF THE DIVERSION OF CONTROLLED
2 SUBSTANCES. THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF LAW AND
3 ANY RELEVANT LAW ENFORCEMENT AGENCIES AND OFFICES IN THE STATE IN THE
4 DEVELOPMENT OF SUCH DRAFT REPORT.

5 2. UPON APPROVAL OF THE DRAFT REPORT, THE DEPARTMENT SHALL MAKE THE
6 REPORT AVAILABLE TO LAW ENFORCEMENT AGENCIES UPON REQUEST.

7 3. THE DEPARTMENT SHALL UPDATE SUCH REPORT ON A QUARTERLY BASIS.

8 4. NOTHING IN THIS SECTION SHALL BE DEEMED TO AUTHORIZE THE DISCLOSURE
9 OF INFORMATION OTHERWISE PROHIBITED BY FEDERAL LAW OR ANY OTHER
10 PROVISION OF THIS CHAPTER.

11 S 3376. SAFE DISPOSAL OF PRESCRIPTION DRUGS TASK FORCE. 1. THERE IS
12 HEREBY ESTABLISHED, IN THE DEPARTMENT, A SAFE DISPOSAL OF PRESCRIPTION
13 DRUGS TASK FORCE. SUCH TASK FORCE SHALL BE COMPOSED OF FOURTEEN MEMBERS,
14 WHICH SHALL INCLUDE THE COMMISSIONER OR HIS OR HER DESIGNEE, AND THIR-
15 TEEN MEMBERS APPOINTED BY THE COMMISSIONER. OF THE MEMBERS APPOINTED BY
16 THE COMMISSIONER, A MEMBER SHALL BE APPOINTED FROM EACH OF THE FOLLOW-
17 ING: THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW
18 YORK, A PUBLIC HEALTH OFFICER, THE DEPARTMENT OF ENVIRONMENTAL CONSERVA-
19 TION, THE DIVISION OF CRIMINAL JUSTICE SERVICES, A PHARMACIST OR A
20 MEMBER OF A TRADE ORGANIZATION REPRESENTING PHARMACISTS, A PHYSICIAN OR
21 A MEMBER OF A TRADE ASSOCIATION REPRESENTING PHYSICIANS, A PERSON WITH
22 EXPERTISE IN HOSPITAL ADMINISTRATION, A REPRESENTATIVE OF THE PHARMACEU-
23 TICAL INDUSTRY, A PERSON WITH EXPERTISE IN WASTE MANAGEMENT, A LAW
24 ENFORCEMENT OFFICIAL, AND A PERSON WITH EXPERTISE IN TOXICOLOGY. THE
25 COMMISSIONER OR HIS OR HER DESIGNEE SHALL BE THE CHAIR OF THE TASK
26 FORCE.

27 2. THE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION,
28 PROVIDED, HOWEVER, THAT THE MEMBERS APPOINTED BY THE COMMISSIONER SHALL
29 BE ALLOWED THEIR NECESSARY AND ACTUAL EXPENSES INCURRED IN THE PERFORM-
30 ANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

31 3. THE TASK FORCE SHALL:

32 (A) ASSESS EXISTING LAWS, ESPECIALLY THIS CHAPTER, THE PENAL LAW AND
33 THE ENVIRONMENTAL CONSERVATION LAW, AND EXISTING REGULATIONS GOVERNING
34 THE ABILITY OF INDIVIDUALS AND ORGANIZATIONS OR FACILITIES TO DISPOSE OF
35 EXPIRED OR UNUSED PRESCRIPTION DRUGS;

36 (B) EXAMINE ALL AVAILABLE EVIDENCE AND SCIENTIFIC EVIDENCE REGARDING
37 THE DIVERSION OF EXPIRED OR UNUSED PRESCRIPTION DRUGS AS WELL AS ANY
38 EVIDENCE REGARDING THE POSSIBLE HEALTH CONSEQUENCES OF THE EXISTING
39 METHODS OF DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS;

40 (C) DETERMINE POSSIBLE LEGISLATIVE AND REGULATORY CHANGES NECESSARY TO
41 ENACT ANY PROGRAM DESIGNED TO FACILITATE THE DISPOSAL OF EXPIRED OR
42 UNUSED PRESCRIPTION DRUGS IN A SAFE AND SECURE MANNER; AND

43 (D) PREPARE PROPOSALS BASED ON ITS FINDINGS FOR STATE-WIDE PROGRAMS
44 THAT WOULD IMPROVE UPON EXISTING RULES AND REGULATIONS GOVERNING THE
45 DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS.

46 4. THE TASK FORCE SHALL WITHIN NINE MONTHS OF FIRST CONVENING, PREPARE
47 AND SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE WHICH SHALL
48 INCLUDE ITS FINDINGS ON THE EXISTING LEGAL AND REGULATORY FRAMEWORK
49 GOVERNING THE DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS, THE
50 HEALTH AND SAFETY DANGERS CREATED BY DIVERSION OF THESE DRUGS AND THEIR
51 CURRENT MANNER OF DISPOSAL, AND CHANGES NECESSARY TO ENACT ANY NEW
52 SYSTEM OR PROGRAM FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.

53 5. THE TASK FORCE SHALL CONSULT WITH ANY ORGANIZATION, EDUCATION
54 INSTITUTION, GOVERNMENT AGENCY OR INDIVIDUAL POSSESSING RELEVANT INFOR-
55 MATION OR EXPERTISE.

1 S 4. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law; provided that section
3 two of this act shall take effect on the same date and in the same
4 manner as section 4 of part A of chapter 447 of the laws of 2012 takes
5 effect; and provided, further, that, effective immediately, any rules
6 and regulations necessary to implement the provisions of this act on its
7 effective date are authorized and directed to be completed on or before
8 such date.