S T A T E O F N E W Y O R K

696

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GRISANTI -- 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 restricting access to dextromethorphan, commonly known as "dxm"

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

Section 1. The education law is amended by adding a new section 6811-c to read as follows:

S 6811-C. RESTRICTED ACCESS TO RETAIL SALE OF DEXTROMETHORPHAN, COMMONLY KNOWN AS "DXM". 1. ANY RETAIL ESTABLISHMENT OFFERING FOR SALE ANY PRODUCT OR PRODUCTS CONTAINING AS AN ACTIVE INGREDIENT DEXTROMETHORPHAN, SHALL PLACE SUCH PRODUCT IN A LOCATION SUCH THAT CUSTOMERS DO NOT HAVE DIRECT ACCESS TO THE PRODUCT BEFORE THE SALE IS MADE, INCLUDING BUT NOT LIMITED TO BEHIND-THE-COUNTER PLACEMENT.

2. ANY PERSON EIGHTEEN YEARS OF AGE OR YOUNGER SHALL BE PROHIBITED FROM PURCHASING PRODUCTS CONTAINING DEXTROMETHORPHAN, WHERE IT IS AN ACTIVE INGREDIENT IN THE PRODUCT.

3. THE SELLER SHALL DELIVER THE PRODUCT DIRECTLY INTO THE CUSTODY OF THE PURCHASER UPON SHOWING STATE OR FEDERAL IDENTIFICATION.

4. THE SELLER SHALL MAINTAIN, IN ACCORDANCE WITH CRITERIA ISSUED BY THE COMMISSIONER, A WRITTEN OR ELECTRONIC LIST OF SUCH SALES THAT IDENTIFIES THE PRODUCT PURCHASED, THE QUANTITY SOLD, THE NAMES AND ADDRESSES OF PURCHASERS, AND THE DATES AND TIMES OF THE SALE.

S 2. This act shall take effect immediately; provided, however, that the rules and regulations necessary to implement the provisions of this act shall be promulgated and take effect on or before the one hundred eightieth day after this act shall have become a law.

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

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