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

696--B

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GRISANTI, BRESLIN, ESPAILLAT, MAZIARZ, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business 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 general business law is amended by adding a new section 391-s to read as follows:

S 391-S. RESTRICTED ACCESS TO RETAIL SALE OF DEXTROMETHORPHAN, COMMONLY KNOWN AS "DXM". 1. NO RETAIL ESTABLISHMENT OFFERING FOR SALE ANY PRODUCT OR PRODUCTS CONTAINING AS AN ACTIVE INGREDIENT DEXTROMETHORPHAN, SHALL PERMIT THE SALE OF SUCH PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN WITHOUT A VALID PRESCRIPTION. RETAIL ESTABLISHMENTS SHALL REQUIRE PROOF OF LEGAL AGE FOR PURCHASE OF SUCH PRODUCTS. SUCH IDENTIFICATION NEED NOT BE REQUIRED OF ANY INDIVIDUAL WHO REASONABLY APPEARS TO BE AT LEAST TWENTY-FIVE YEARS OF AGE, PROVIDED, HOWEVER, THAT SUCH APPEARANCE SHALL NOT CONSTITUTE A DEFENSE IN ANY PROCEEDING ALLEGING THE SALE OF ANY PRODUCT OR PRODUCTS CONTAINING AS AN ACTIVE INGREDIENT DEXTROMETHORPHAN TO AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE. ANY RETAIL ESTABLISHMENT WHICH VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A FINE OF TWO HUNDRED FIFTY DOLLARS FOR EACH SUCH VIOLATION.

2. AS USED IN THIS SECTION "RETAIL ESTABLISHMENT" MEANS EVERY VENDOR THAT IN THE REGULAR COURSE OF BUSINESS SELLS PRODUCTS CONTAINING DEXTRO-

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

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METHORPHAN AT RETAIL DIRECTLY TO THE PUBLIC INCLUDING, BUT NOT LIMITED TO, PHARMACIES, GROCERY STORES, AND OTHER RETAIL STORES.

3. THIS SECTION SHALL SUPERSEDE ANY LOCAL LAWS OR ORDINANCES REGULATING THE SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.