

3944--A

Cal. No. 1165

2013-2014 Regular Sessions

I N S E N A T E

February 27, 2013

Introduced by Sens. HANNON, AVELLA, FELDER, PARKER, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to authorizing pharmacies to take back controlled substances

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

1 Section 1. Section 3343-b of the public health law, as added by
2 section 1 of part E of chapter 447 of the laws of 2012, is amended to
3 read as follows:
4 S 3343-b. Safe disposal of unused controlled substances. 1. The
5 department shall establish a program for the safe disposal of unused
6 controlled substances by consumers in accordance with federal law. The
7 program shall permit individual members of the public to voluntarily
8 surrender controlled substances listed on schedule II, III, IV or V of
9 section thirty-three hundred six of this article in a secure manner,
10 without identifying themselves, and shall be publicized consistent with
11 the prescription pain medication awareness program established pursuant
12 to section thirty-three hundred nine-a of this article.
13 2. The surrender of a controlled substance pursuant to the program
14 established pursuant to this section shall not constitute the
15 possession, transfer or sale of such controlled substance for purposes
16 of this article or the penal law.
17 3. In developing such program, the department shall consider the
18 following: appropriate sites for disposal throughout the state; the
19 role of law enforcement and federal authorities, as appropriate; and the
20 manner in which potential costs to localities or to the state will be
21 addressed. Disposal sites shall be operated by law enforcement agencies
22 AND PHARMACIES on a voluntary basis in collaboration with the depart-

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

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1 ment. Nothing in this section shall require any political subdivision of
2 the state to participate in the program established in this section.
3 4. A LICENSED PHARMACY DESIGNATED BY THE COMMISSIONER MAY BE A
4 DISPOSAL SITE UNDER THIS SECTION FOR THE FUNCTIONS OF ACCEPTING SURREN-
5 DER OF CONTROLLED SUBSTANCES FROM CONSUMERS, TEMPORARILY STORING THE
6 CONTROLLED SUBSTANCES, AND TRANSFERRING THE CONTROLLED SUBSTANCES TO AN
7 AUTHORIZED DISPOSAL SITE.
8 5. THE COMMISSIONER SHALL MAKE REGULATIONS UNDER THIS SECTION, INCLUD-
9 ING (IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION) REGULATIONS
10 RELATING TO PHARMACIES IN THE PROGRAM.
11 S 2. This act shall take effect immediately.