

STATE OF NEW YORK

387--A

Cal. No. 86

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, GOTTFRIED, MOSLEY, KAVANAGH, HUNTER, THIELE, GALEF, SEPULVEDA, ROSENTHAL -- Multi-Sponsored by -- M. of A. LUPARDO, McDONOUGH, WALKER -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to disposal sites operated by pharmacies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 3343-b of the public health law,
2 as amended by chapter 379 of the laws of 2015, is amended and two new
3 subdivisions 4 and 5 are added to read as follows:

4 3. Disposal sites shall be operated by law enforcement agencies, phar-
5 macies that do not meet the definition of "chain pharmacy" as defined in
6 subdivision four of this section, and other Federal Drug Enforcement
7 Administration authorized collectors on a voluntary basis. Nothing in
8 this section shall require any political subdivision of the state to
9 participate in the program established in this section.

10 4. It is the policy of the state to expand drug disposal options to
11 keep unused medications from being misused. In accordance with this
12 policy, chain pharmacies dispensing such medications shall also collect
13 such medications in accordance with this section. For the purposes of
14 this section, "chain pharmacy" shall mean any pharmacy that is part of a
15 group of ten or more establishments that: (a) conduct business under the
16 same business name, or (b) operate under common ownership or management
17 or pursuant to a franchise agreement with the same franchisor. The
18 commissioner shall require any chain pharmacy operating in the state to
19 become an authorized collector with the federal Drug Enforcement Admin-
20 istration for purposes of collecting controlled substances through use
21 of a collection receptacle, mail-back program or other Drug Enforcement

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

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1 Administration approved mechanism, provided such is offered free of
2 charge to all customers.

3 5. Nonresident pharmacies registered pursuant to section sixty-eight
4 hundred eight-b of the education law shall offer all New York state
5 residents the option to mail-back controlled substances free of charge
6 to the consumer in accordance with this section, and federal law and
7 regulations.

8 § 2. This act shall take effect six months after it shall have become
9 a law.