

STATE OF NEW YORK

5209

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

Introduced by Sen. HARCKHAM -- 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 expanding the drug take back act to include single-use and reusable electronic cigarettes

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

1 Section 1. Subdivision 2 of section 290 of the public health law, as
2 added by chapter 120 of the laws of 2018, is amended to read as follows:

3 2. "Covered drug" means any substance recognized as a drug under 21
4 USC § 321(g)(1), as amended, and any regulations promulgated thereunder
5 that is sold, offered for sale or dispensed in the state, whether
6 directly or through a wholesaler, in any form including prescription and
7 nonprescription drugs, drugs in medical devices and combination
8 products, brand and generic drugs and drugs for veterinary use; provided
9 however, covered drug shall additionally include single-use and reusable
10 electronic cigarettes as defined in section thirteen hundred ninety-
11 nine-aa of this chapter; provided however covered drug shall not
12 include: (a) vitamins or supplements; (b) herbal-based remedies and
13 homeopathic drugs, products or remedies; (c) cosmetics, soap (with or
14 without germicidal agents), laundry detergent, bleach, household clean-
15 ing products, shampoos, sunscreens, toothpaste, lip balm, antiperspi-
16 rants or other personal care products that are regulated as both cosmet-
17 ics and nonprescription drugs under the Federal Food, Drug, and Cosmetic
18 Act; (d) pet pesticide products contained in pet collars, powders, sham-
19 poos, topical applications, or other forms; (e) drugs that are biolog-
20 ical products as defined in subdivision twenty-seven of section sixty-
21 eight hundred two of the education law if the manufacturer already
22 provides a take back program; (f) drugs for which a manufacturer
23 provides a take back program as part of a Federal Food and Drug Adminis-
24 tration managed risk evaluation and mitigation strategy; (g) emptied
25 injector products or emptied medical devices and their component parts

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

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1 or accessories; and (h) drugs that are used solely in a clinical
2 setting.
3 § 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law. Effective immediately, the addition, amend-
5 ment and/or repeal of any rule or regulation necessary for the implemen-
6 tation of this act on its effective date are authorized to be made and
7 completed on or before such effective date.