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

7345

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. ENGLEBRIGHT, COLTON, SCHIMEL, JAFFEE, FIELDS, MAISEL, CASTRO, KOON -- Multi-Sponsored by -- M. of A. COOK, GLICK, JACOBS, MAYERSOHN, McENENY, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to drug management and collection programs

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

Section 1. Title 27 and sections 27-2701 and 27-2703 of article 27 of the environmental conservation law, as added by chapter 625 of the laws of 2008, are renumbered title 29 and sections 27-2901 and 27-2903.

S 2. The environmental conservation law is amended by adding three new sections 27-2905, 27-2907 and 27-2909 to read as follows:

S 27-2905. DRUG MANAGEMENT.

NO PERSON SHALL DISPOSE OF ANY DRUG AS MIXED SOLID WASTE IN A LANDFILL. DRUGS SHALL ONLY BE DISPOSED OF AT A DRUG COLLECTION PROGRAM ESTABLISHED PURSUANT TO SECTION 27-2907 OF THIS TITLE.

S 27-2907. DRUG COLLECTION PROGRAMS.

1. EVERY MANUFACTURER SHALL ESTABLISH AND CONDUCT A COLLECTION PROGRAM FOR UNUSED AND EXPIRED DRUGS. EACH MANUFACTURER SHALL BE RESPONSIBLE FOR ALL COSTS AND THE SECURITY OF ITS DRUG PROGRAM. EVERY MANUFACTURER SHALL ANNUALLY CONDUCT NOT LESS THAN ONE DRUG COLLECTION EVENT IN EACH COUNTY OF THE STATE.

2. ANY MANUFACTURER MAY CONTRACT WITH A SUITABLE PUBLIC OR PRIVATE THIRD PARTY TO ESTABLISH AND CONDUCT ITS DRUG COLLECTION PROGRAM. EVERY MANUFACTURER WHO ENTERS INTO A CONTRACT PURSUANT TO THIS SUBDIVISION SHALL FULLY REIMBURSE SUCH THIRD PARTY FOR ALL COSTS OF IMPLEMENTING THE DRUG COLLECTION PROGRAM.

3. EVERY CONSUMER SHALL RETURN HIS OR HER DRUGS TO A DRUG COLLECTION PROGRAM. NO SUCH PROGRAM SHALL IMPOSE A FEE UPON ANY CONSUMER FOR THE RETURN OF ANY DRUG.

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

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4. EVERY MANUFACTURER SHALL DISPOSE OF ALL DRUGS COLLECTED PURSUANT TO THIS SECTION IN AN ENVIRONMENTALLY SOUND MANNER AS PROVIDED IN RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT.

5. EACH MANUFACTURER, SHALL ON A BIANNUAL BASIS, SUBMIT A REPORT TO THE DEPARTMENT ON ITS DRUG COLLECTION PROGRAM, INCLUDING INFORMATION ON THE TYPES AND AMOUNT OF DRUGS COLLECTED.

S 27-2909. REGULATIONS.

THE DEPARTMENT SHALL PROMULGATE AND ENFORCE ANY REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

S 3. This act shall take effect immediately, except that sections 27-2905 and 27-2907 of the environmental conservation law, as added by section two of this act, shall take effect on the one hundred eightieth day after this act shall have become a law.