

8276

2009-2010 Regular Sessions

I N A S S E M B L Y

May 12, 2009

Introduced by M. of A. JAFFEE, ZEBROWSKI, KOON, TOWNSEND, FIELDS,
CASTRO, GUNTHER, GALEF, BURLING, ESPAILLAT, BARRON, McDONOUGH --
Multi-Sponsored by -- M. of A. CALHOUN, CAMARA, COOK, CROUCH,
DelMONTE, MARKEY, NOLAN, PHEFFER, SAYWARD, SKARTADOS, WEISENBERG --
read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to restricting access to
dextromethorphan, commonly known as "dxm"

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

1 Section 1. The education law is amended by adding a new section 6811-c
2 to read as follows:

3 S 6811-C. RESTRICTED ACCESS TO RETAIL SALE OF DEXTROMETHORPHAN,
4 COMMONLY KNOWN AS "DXM". ANY RETAIL ESTABLISHMENT THAT SELLS ANY PROD-
5 UCT OR PRODUCTS CONTAINING AS THE ONLY ACTIVE INGREDIENT DEXTROMETHOR-
6 PHAN, SHALL LIMIT ACCESS TO SUCH PRODUCTS IN A MANNER DESIGNED TO
7 PREVENT THE MISUSE OR ABUSE OF SUCH PRODUCTS. SUCH LIMITATIONS SHALL
8 INCLUDE REMOVING SUCH PRODUCTS FROM SHELVES AND OTHER LOCATIONS THAT ARE
9 DIRECTLY ACCESSIBLE BY CUSTOMERS, AND PLACING SUCH PRODUCTS BEHIND A
10 PHARMACY COUNTER SO THAT A CONSUMER MUST REQUEST SUCH PRODUCTS IN ORDER
11 TO OBTAIN SUCH PRODUCTS FROM AN EMPLOYEE WORKING IN THE PHARMACY. IF THE
12 RETAIL ESTABLISHMENT WISHES TO SELL SUCH PRODUCTS BUT DOES NOT MAINTAIN
13 A PHARMACY AT THAT RETAIL LOCATION, SUCH PRODUCTS SHALL BE MADE SECURE
14 SUCH THAT THEY MAY ONLY BE ACCESSED BY A MANAGER, ASSISTANT MANAGER,
15 ACTING MANAGER OR OTHER SUPERVISORY PERSONNEL AT SUCH LOCATION.

16 S 2. This act shall take effect immediately; provided, however, that
17 the rules and regulations necessary to implement section one of this act
18 shall be promulgated and take effect on or before the one hundred eight-
19 ieth day after this act shall have become a law.

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

LBD10203-01-9