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I N A S S E M B L Y

April 28, 2010

Introduced by M. of A. GOTTFRIED, PAULIN -- (at request of the Department of Health) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to hypodermic syringes

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

1 Section 1. Subdivisions 1 and 5 of section 3381 of the public health
2 law, as amended by section 9-a of part B of chapter 58 of the laws of
3 2007, are amended to read as follows:
4 1. It shall be unlawful for any person to sell or furnish to another
5 person or persons, a hypodermic syringe or hypodermic needle except:
6 (a) pursuant to a written prescription of a practitioner; or
7 (b) to persons who have been authorized by the commissioner to obtain
8 and possess such instruments; or
9 (c) by a pharmacy licensed under article one hundred thirty-seven of
10 the education law, health care facility licensed under article twenty-
11 eight of this chapter or a health care practitioner who is otherwise
12 authorized to prescribe the use of hypodermic needles or syringes within
13 his or her scope of practice; provided, however, that such sale or
14 furnishing: (i) shall only be to a person eighteen years of age or
15 older; AND (ii) [shall be limited to a quantity of ten or less hypoderm-
16 ic needles or syringes; and (iii)] shall be in accordance with subdivi-
17 sion five of this section.
18 5. (a) A person eighteen years of age or older may obtain and possess
19 a hypodermic syringe or hypodermic needle pursuant to paragraph (c) of
20 subdivision one of this section.
21 (b) Subject to regulations of the commissioner, a pharmacy licensed
22 under article one hundred thirty-seven of the education law, a health
23 care facility licensed under article twenty-eight of this chapter or a
24 health care practitioner who is otherwise authorized to prescribe the
25 use of hypodermic needles or syringes within his or her scope of prac-
26 tice, may obtain and possess hypodermic needles or syringes for the
27 purpose of selling or furnishing them pursuant to paragraph (c) of
28 subdivision one of this section or for the purpose of disposing of them,

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

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1 provided that such pharmacy, health care facility or health care practi-
2 tioner has registered with the department.

3 (c) Sale or furnishing of hypodermic syringes or hypodermic needles to
4 direct consumers pursuant to this subdivision by a pharmacy, health care
5 facility, or health care practitioner shall be accompanied by a safety
6 insert. Such safety insert shall be developed or approved by the commis-
7 sioner and shall include, but not be limited to, (i) information on the
8 proper use of hypodermic syringes and hypodermic needles; (ii) the risk
9 of blood borne diseases that may result from the use of hypodermic
10 syringes and hypodermic needles; (iii) methods for preventing the trans-
11 mission or contraction of blood borne diseases; (iv) proper hypodermic
12 syringe and hypodermic needle disposal practices; (v) information on the
13 dangers of injection drug use, and how to access drug treatment; (vi) a
14 toll-free phone number for information on the human immunodeficiency
15 virus; and (vii) information on the safe disposal of hypodermic syringes
16 and hypodermic needles including the relevant provisions of the environ-
17 mental conservation law relating to the unlawful release of regulated
18 medical waste. The safety insert shall be attached to or included in the
19 hypodermic syringe and hypodermic needle packaging, or shall be given to
20 the purchaser at the point of sale or furnishing in brochure form.

21 [(d)] In addition to the requirements of paragraph (c) of subdivision
22 one of this section, a pharmacy licensed under article one hundred thir-
23 ty-seven of the education law may sell or furnish hypodermic needles or
24 syringes only if such pharmacy[: (i) does not advertise to the public
25 the availability for retail sale or furnishing of hypodermic needles or
26 syringes without a prescription; and (ii)] at any location where hypo-
27 dermic needles or syringes are kept for retail sale or furnishing,
28 stores such needles and syringes in a manner that makes them available
29 only to authorized personnel and not openly available to customers.

30 [(e)] (D) The commissioner shall promulgate rules and regulations
31 necessary to implement the provisions of this subdivision which shall
32 include a requirement that such pharmacies, health care facilities and
33 health care practitioners cooperate in a safe disposal of used hypoderm-
34 ic needles or syringes.

35 [(f)] (E) The commissioner may, upon the finding of a violation of
36 this section, suspend for a determinate period of time the sale or
37 furnishing of syringes by a specific entity.

38 S 2. This act shall take effect immediately.