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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. MAISEL, ENGLEBRIGHT -- read once and referred to
the Committee on Health

AN ACT to amend the public health law, in relation to establishing the
drug manufacturer collection program

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

1 Section 1. The public health law is amended by adding a new section
2 2811-a to read as follows:

3 S 2811-A. DISPOSAL OF DRUGS. NO HOSPITAL OR RESIDENTIAL HEALTH CARE
4 FACILITY SHALL DISPOSE OF ANY DRUG IN ANY OTHER MANNER THAN THAT ESTAB-
5 LISHED BY SECTION THIRTY-THREE HUNDRED SEVENTEEN OF THIS CHAPTER.

6 S 2. The public health law is amended by adding a new section 3317 to
7 read as follows:

8 S 3317. MANUFACTURER DRUG COLLECTION PROGRAM. 1. EVERY MANUFACTURER OF
9 DRUGS SHALL ESTABLISH AND IMPLEMENT A COLLECTION PROGRAM FOR UNUSED AND
10 EXPIRED DRUGS HELD BY HOSPITALS AND RESIDENTIAL HEALTH CARE FACILITIES.
11 EACH MANUFACTURER SHALL BE RESPONSIBLE FOR ALL COSTS AND THE SECURITY OF
12 ITS DRUG COLLECTION PROGRAM.

13 2. ANY SUCH MANUFACTURER MAY CONTRACT WITH A SUITABLE PUBLIC OR
14 PRIVATE THIRD PARTY FOR THE ESTABLISHMENT AND IMPLEMENTATION OF ITS DRUG
15 COLLECTION PROGRAM PURSUANT TO THIS SECTION. EVERY MANUFACTURER WHICH
16 CONTRACTS WITH A THIRD PARTY PURSUANT TO THIS SUBDIVISION SHALL FULLY
17 REIMBURSE THE THIRD PARTY FOR ALL COSTS OF IMPLEMENTING ITS DRUG
18 COLLECTION PROGRAM.

19 3. EVERY HOSPITAL AND RESIDENTIAL HEALTH CARE FACILITY SHALL RETURN
20 ALL ITS UNUSED AND EXPIRED DRUGS TO THE APPROPRIATE MANUFACTURER'S DRUG
21 COLLECTION PROGRAM.

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

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

LBD00770-01-1

1 5. EVERY MANUFACTURER, SHALL ON A BIANNUAL BASIS, SUBMIT A WRITTEN
2 REPORT TO THE DEPARTMENT ON ITS DRUG COLLECTION PROGRAM, INCLUDING THE
3 TYPES AND AMOUNTS OF DRUGS COLLECTED.
4 S 3. This act shall take effect on the first of January next succeed-
5 ing the date on which it shall have become a law.