

5877

2011-2012 Regular Sessions

I N   S E N A T E

August 31, 2011

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to filing of prescription information with the department of health, disclosure of patient information, establishing a report on prescription patterns in the state and establishing a safe disposal of prescription drugs task force

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

1     Section 1. Section 3332 of the public health law is amended by adding  
2     a new subdivision 5 to read as follows:  
3     5. THE PRACTITIONER SHALL FILE THE INFORMATION INCLUDED ON EACH SUCH  
4     PRESCRIPTION WITH THE DEPARTMENT BY ELECTRONIC MEANS IN SUCH MANNER,  
5     FORM AND DETAIL AS SHALL BE REQUIRED BY REGULATIONS PROMULGATED BY THE  
6     COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION.  
7     S 2. Paragraphs (d) and (e) of subdivision 1 of section 3371 of the  
8     public health law, as amended by chapter 178 of the laws of 2010, are  
9     amended and a new paragraph (f) is added to read as follows:  
10     (d) to a central registry established pursuant to this article; [and]  
11     (e) to a practitioner to inform him or her that a patient may be under  
12     treatment with a controlled substance by another practitioner[.]; OR  
13     (F) TO A PHARMACIST OR INSTITUTIONAL DISPENSER TO INFORM HIM OR HER  
14     THAT A PATIENT MAY HAVE ALSO OBTAINED ONE OR MORE CONTROLLED SUBSTANCES  
15     FROM ANOTHER PHARMACIST OR INSTITUTIONAL DISPENSER, WHERE THE CIRCUM-  
16     STANCES INDICATE A POSSIBILITY OF DRUG ABUSE OR DIVERSION, POTENTIAL  
17     HARM TO THE PERSON, OR OTHER SIMILAR GROUNDS.  
18     S 3. The public health law is amended by adding two new sections 3375  
19     and 3376 to read as follows:  
20     S 3375. REPORT ON PRESCRIPTION PATTERNS IN THE STATE. 1. THE DEPART-  
21     MENT SHALL DEVELOP A DRAFT REPORT USING EXISTING PRESCRIPTION DATA IN  
22     ORDER TO IDENTIFY ANY POSSIBLE PATTERNS IN THE PRESCRIPTION OF

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

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1 CONTROLLED SUBSTANCES WITHIN THE STATE, SPECIFICALLY AIMED AT EXPOSING  
2 ANY PATTERNS THAT SUGGEST CASES OF THE DIVERSION OF CONTROLLED  
3 SUBSTANCES. THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF LAW AND  
4 ANY RELEVANT LAW ENFORCEMENT AGENCIES AND OFFICES IN THE STATE IN THE  
5 DEVELOPMENT OF SUCH DRAFT REPORT.

6 2. UPON APPROVAL OF THE DRAFT REPORT, THE DEPARTMENT SHALL MAKE THE  
7 REPORT AVAILABLE TO LAW ENFORCEMENT AGENCIES UPON REQUEST.

8 3. THE DEPARTMENT SHALL UPDATE SUCH REPORT ON A QUARTERLY BASIS.

9 4. NOTHING IN THIS SECTION SHALL BE DEEMED TO AUTHORIZE THE DISCLOSURE  
10 OF INFORMATION OTHERWISE PROHIBITED BY FEDERAL LAW OR ANY OTHER  
11 PROVISION OF THIS CHAPTER.

12 S 3376. SAFE DISPOSAL OF PRESCRIPTION DRUGS TASK FORCE. 1. THERE IS  
13 HEREBY ESTABLISHED, IN THE DEPARTMENT, A SAFE DISPOSAL OF PRESCRIPTION  
14 DRUGS TASK FORCE. SUCH TASK FORCE SHALL BE COMPOSED OF FOURTEEN MEMBERS,  
15 WHICH SHALL INCLUDE THE COMMISSIONER OR HIS OR HER DESIGNEE, AND THIR-  
16 TEEN MEMBERS APPOINTED BY THE COMMISSIONER. OF THE MEMBERS APPOINTED BY  
17 THE COMMISSIONER, A MEMBER SHALL BE APPOINTED FROM EACH OF THE FOLLOW-  
18 ING: THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW  
19 YORK, A PUBLIC HEALTH OFFICER, THE DEPARTMENT OF ENVIRONMENTAL CONSERVA-  
20 TION, THE DIVISION OF CRIMINAL JUSTICE SERVICES, A PHARMACIST OR A  
21 MEMBER OF A TRADE ORGANIZATION REPRESENTING PHARMACISTS, A PHYSICIAN OR  
22 A MEMBER OF A TRADE ASSOCIATION REPRESENTING PHYSICIANS, A PERSON WITH  
23 EXPERTISE IN HOSPITAL ADMINISTRATION, A REPRESENTATIVE OF THE PHARMACEU-  
24 TICAL INDUSTRY, A PERSON WITH EXPERTISE IN WASTE MANAGEMENT, A LAW  
25 ENFORCEMENT OFFICIAL, AND A PERSON WITH EXPERTISE IN TOXICOLOGY. THE  
26 COMMISSIONER OR HIS OR HER DESIGNEE SHALL BE THE CHAIR OF THE TASK  
27 FORCE.

28 2. THE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION,  
29 PROVIDED, HOWEVER, THAT THE MEMBERS APPOINTED BY THE COMMISSIONER SHALL  
30 BE ALLOWED THEIR NECESSARY AND ACTUAL EXPENSES INCURRED IN THE PERFORM-  
31 ANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

32 3. THE TASK FORCE SHALL:

33 (A) ASSESS EXISTING LAWS, ESPECIALLY THIS CHAPTER, THE PENAL LAW AND  
34 THE ENVIRONMENTAL CONSERVATION LAW, AND EXISTING REGULATIONS GOVERNING  
35 THE ABILITY OF INDIVIDUALS AND ORGANIZATIONS OR FACILITIES TO DISPOSE OF  
36 EXPIRED OR UNUSED PRESCRIPTION DRUGS;

37 (B) EXAMINE ALL AVAILABLE EVIDENCE AND SCIENTIFIC EVIDENCE REGARDING  
38 THE DIVERSION OF EXPIRED OR UNUSED PRESCRIPTION DRUGS AS WELL AS ANY  
39 EVIDENCE REGARDING THE POSSIBLE HEALTH CONSEQUENCES OF THE EXISTING  
40 METHODS OF DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS;

41 (C) DETERMINE POSSIBLE LEGISLATIVE AND REGULATORY CHANGES NECESSARY TO  
42 ENACT ANY PROGRAM DESIGNED TO FACILITATE THE DISPOSAL OF EXPIRED OR  
43 UNUSED PRESCRIPTION DRUGS IN A SAFE AND SECURE MANNER; AND

44 (D) PREPARE PROPOSALS BASED ON ITS FINDINGS FOR STATE-WIDE PROGRAMS  
45 THAT WOULD IMPROVE UPON EXISTING RULES AND REGULATIONS GOVERNING THE  
46 DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS.

47 4. THE TASK FORCE SHALL WITHIN NINE MONTHS OF FIRST CONVENING, PREPARE  
48 AND SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE WHICH SHALL  
49 INCLUDE ITS FINDINGS ON THE EXISTING LEGAL AND REGULATORY FRAMEWORK  
50 GOVERNING THE DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS, THE  
51 HEALTH AND SAFETY DANGERS CREATED BY DIVERSION OF THESE DRUGS AND THEIR  
52 CURRENT MANNER OF DISPOSAL, AND CHANGES NECESSARY TO ENACT ANY NEW  
53 SYSTEM OR PROGRAM FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.

54 5. THE TASK FORCE SHALL CONSULT WITH ANY ORGANIZATION, EDUCATION  
55 INSTITUTION, GOVERNMENT AGENCY OR INDIVIDUAL POSSESSING RELEVANT INFOR-  
56 MATION OR EXPERTISE.

1     S 4. This act shall take effect on the first of January next succeed-  
2     ing the date on which it shall have become a law; provided that, effec-  
3     tive immediately, any rules and regulations necessary to implement the  
4     provisions of this act on its effective date are authorized and directed  
5     to be completed on or before such date.