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

2442

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the environmental conservation law, in relation to the disposal of pharmaceutical drugs and controlled substances; and to amend the education law, in relation to prohibiting the labeling of prescriptions with directions to the consumer to dispose of the drug by flushing it down the toilet

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

Section 1. Title 27 of article 27 of the environmental conservation law, as added by chapter 625 of the laws of 2008, is amended by adding a new section 27-2705 to read as follows:

S 27-2705. DISPOSAL OF PHARMACEUTICAL DRUGS AND CONTROLLED SUBSTANCES.

1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "PHARMACEUTICAL DRUGS" SHALL MEAN:

(I) ARTICLES RECOGNIZED IN THE OFFICIAL UNITED STATES PHARMACOPOEIA, OFFICIAL NATIONAL FORMULARY OR OFFICIAL HOMEOPATHIC PHARMACOPOEIA OF THE UNITED STATES, OR ANY SUPPLEMENT OF ANY OF THEM;

(II) ARTICLES INTENDED FOR USE IN THE DIAGNOSIS, CURE, MITIGATION, TREATMENT OR PREVENTION OF DISEASE IN HUMANS OR OTHER ANIMALS; OR

(III) ARTICLES, OTHER THAN FOOD, INTENDED TO AFFECT THE STRUCTURE OR ANY FUNCTION OF THE BODY OF HUMANS OR OTHER ANIMALS.

ARTICLES DESCRIBED IN SUBPARAGRAPH (I), (II) OR (III) OF THIS PARAGRAPH SHALL NOT INCLUDE DEVICES OR THEIR COMPONENT PARTS OR ACCESSORIES.

B. "CONTROLLED SUBSTANCES" SHALL MEAN ANY CONTROLLED SUBSTANCE LISTED IN THE SCHEDULE OF CONTROLLED SUBSTANCES SET FORTH IN SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW.

2. ON AND AFTER APRIL NINETEENTH, TWO THOUSAND ELEVEN, EVERY COUNTY IN THIS STATE SHALL PROVIDE A PERMANENT PROGRAM FOR THE ACCEPTANCE AND COLLECTION OF PHARMACEUTICAL DRUGS FROM RESIDENTIAL CITIZENS, EXCLUDING

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

LBD01181-03-1

HOSPITALS, HEALTH CARE FACILITIES AND PHARMACIES, FOR PROPER DISPOSAL. SUCH PROGRAM SHALL BE IMPLEMENTED AND OPERATED BY THE SHERIFFS DEPARTMENT OF EACH COUNTY. SUCH PROGRAM SHALL PROVIDE THAT THE PROPER DISPOSAL OF PHARMACEUTICAL DRUGS BE MADE AT A DEPARTMENT REGULATED SOLID WASTE INCINERATOR.

S 2. Section 6811-a of the education law is amended by adding a new subdivision 2-a to read as follows:

2-A. NO DRUG FOR WHICH ANY PRESCRIPTION IS REQUIRED BY THE PROVISIONS OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT OR BY THE COMMISSIONER OF HEALTH CONTAINED WITHIN A BOTTLE, VIAL, CARTON OR OTHER CONTAINER, OR IN ANY WAY AFFIXED OR APPENDED TO OR ENCLOSED WITHIN A PACKAGE OF ANY KIND, AND DESIGNED OR INTENDED FOR DELIVERY IN SUCH CONTAINER OR PACKAGE TO AN ULTIMATE CONSUMER, SHALL INCLUDE ANY RECOMMENDATION OR DIRECTION TO THE CONSUMER TO DISPOSE OF THE DRUG BY MEANS OF A PUBLIC OR PRIVATE WASTEWATER TREATMENT SYSTEM, SUCH AS BY FLUSHING DOWN THE TOILET.

S 3. This act shall take effect immediately.