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

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I N A S S E M B L Y

(PREFILED)

January 4, 2012

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

AN ACT to amend the public health law, in relation to prohibiting the sale of tobacco products in pharmacies

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

Section 1. The public health law is amended by adding a new section 1399-mmm to read as follows:

S 1399-MMM. SALE OF TOBACCO PRODUCTS IN PHARMACIES PROHIBITED. 1. AS USED IN THIS SECTION, "PHARMACY" SHALL MEAN A RETAIL ESTABLISHMENT IN WHICH THE PROFESSION OF PHARMACY BY A PHARMACIST LICENSED BY THE STATE OF NEW YORK IS PRACTICED AND WHERE PRESCRIPTIONS ARE OFFERED FOR SALE. A PHARMACY MAY ALSO OFFER OTHER RETAIL GOODS IN ADDITION TO PRESCRIPTION PHARMACEUTICALS.

2. NO PERSON, FIRM, PARTNERSHIP, COMPANY OR CORPORATION OPERATING A PHARMACY OR ANY AGENT THEREOF SHALL SELL OR OFFER FOR SALE ANY TOBACCO PRODUCT AS DEFINED BY SUBDIVISION FIVE OF SECTION THIRTEEN HUNDRED NINETY-NINE-AA OF THIS ARTICLE.

3. ANY PERMIT TO SELL TOBACCO PRODUCTS PREVIOUSLY ISSUED TO A PHARMACY SHALL EXPIRE UPON THE EFFECTIVENESS OF THIS SECTION AND SHALL NOT BE RENEWED IF SALES OF SUCH TOBACCO PRODUCTS BY THE PHARMACY ARE PROHIBITED PURSUANT TO THIS SECTION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

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