

9756

I N A S S E M B L Y

April 2, 2012

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

AN ACT to amend the public health law and the penal law, in relation to authorizing pharmacies to take back controlled substances

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

1 Section 1. Section 206 of the public health law is amended by adding a
2 new subdivision 29 to read as follows:
3 29.(A) IN CONSULTATION WITH THE STATE BOARD OF PHARMACY, THE COMMIS-
4 SIONER SHALL ADOPT RULES AND REGULATIONS ESTABLISHING A CONTROLLED
5 SUBSTANCE TAKE BACK PROGRAM AUTHORIZING CERTAIN PHARMACIES TO TAKE BACK
6 CONTROLLED SUBSTANCES.
7 (B) SUCH RULES AND REGULATIONS SHALL ESTABLISH ALL OF THE FOLLOWING:
8 (1) ELIGIBILITY CRITERIA FOR PHARMACIES TO RECEIVE CONTROLLED
9 SUBSTANCES UNDER THE PROGRAM;
10 (2) STANDARDS AND PROCEDURES FOR ACCEPTING, SAFELY STORING AND DISPOS-
11 ING OF SUCH CONTROLLED SUBSTANCES;
12 (3) REPORTING REQUIREMENTS FOR SUCH PHARMACIES; AND
13 (4) ANY OTHER STANDARDS AND PROCEDURES THE BOARD CONSIDERS APPROPRI-
14 ATE.
15 (C) FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "CONTROLLED
16 SUBSTANCE" SHALL MEAN ANY SUBSTANCE OR SUBSTANCES LISTED IN SECTION
17 THIRTY-THREE HUNDRED SIX OF THIS CHAPTER.
18 S 2. The penal law is amended by adding a new section 220.01 to read
19 as follows:
20 S 220.01 CONTROLLED SUBSTANCE TAKE BACK PROGRAM EXEMPTIONS.
21 1. IT SHALL NOT BE A VIOLATION OF ANY PROVISION OF THIS ARTICLE WHEN A
22 PERSON'S UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE IS DISCOVERED AS
23 A RESULT OF SUCH PERSON'S LAWFUL PARTICIPATION IN THE CONTROLLED
24 SUBSTANCE TAKE BACK PROGRAM ESTABLISHED PURSUANT TO SUBDIVISION TWENTY-
25 NINE OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW REGARDLESS OF
26 WHETHER SUCH PERSON IS ACCEPTING OR IS TURNING IN SUCH CONTROLLED
27 SUBSTANCE.

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

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1 2. FOR THE PURPOSES OF THIS SECTION, THE TERM "TURNING IN" SHALL MEAN
2 ENTERING A PHARMACY FOR THE PURPOSE OF DEPOSITING A CONTROLLED SUBSTANCE
3 WITH THE PHARMACIST PURSUANT TO THE CONTROLLED SUBSTANCE TAKE BACK
4 PROGRAM ESTABLISHED PURSUANT TO SUBDIVISION TWENTY-NINE OF SECTION TWO
5 HUNDRED SIX OF THE PUBLIC HEALTH LAW.

6 S 3. This act shall take effect on the first of November next succeed-
7 ing the date upon which it shall have become a law. Effective immediate-
8 ly, the addition, amendment and/or repeal of any rule or regulation
9 necessary for the implementation of this act on its effective date is
10 authorized to be made on or before such date.