

3102

2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to restricting access to ipecac syrup

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

1 Section 1. The general business law is amended by adding a new section
2 391-r to read as follows:
3 S 391-R. RESTRICTED ACCESS TO RETAIL SALE OF IPECAC. 1. ANY RETAIL
4 ESTABLISHMENT THAT SELLS ANY PRODUCT OR PRODUCTS CONTAINING AS THE ONLY
5 ACTIVE INGREDIENT IPECAC, SHALL LIMIT ACCESS TO SUCH PRODUCTS IN A
6 MANNER DESIGNED TO PREVENT THE MISUSE OR ABUSE OF SUCH PRODUCTS. SUCH
7 LIMITATIONS SHALL INCLUDE REMOVING SUCH PRODUCTS FROM SHELVES AND OTHER
8 LOCATIONS THAT ARE DIRECTLY ACCESSIBLE BY CUSTOMERS, AND PLACING SUCH
9 PRODUCTS BEHIND A PHARMACY COUNTER SO THAT A CONSUMER MUST REQUEST SUCH
10 PRODUCTS IN ORDER TO OBTAIN SUCH PRODUCTS FROM AN EMPLOYEE WORKING IN
11 THE PHARMACY. IF THE RETAIL ESTABLISHMENT WISHES TO SELL SUCH PRODUCTS
12 BUT DOES NOT MAINTAIN A PHARMACY AT THAT RETAIL LOCATION, SUCH PRODUCTS
13 SHALL BE MADE SECURE SUCH THAT THEY MAY ONLY BE ACCESSED BY A MANAGER,
14 ASSISTANT MANAGER, ACTING MANAGER OR OTHER SUPERVISORY PERSONNEL AT SUCH
15 LOCATION.
16 2. AS USED IN THIS SECTION "RETAIL ESTABLISHMENT" MEANS EVERY VENDOR
17 THAT IN THE REGULAR COURSE OF BUSINESS SELLS PRODUCTS CONTAINING IPECAC
18 AT RETAIL DIRECTLY TO THE PUBLIC INCLUDING, BUT NOT LIMITED TO, PHARMA-
19 CIES, GROCERY STORES, AND OTHER RETAIL STORES.
20 S 2. This act shall take effect immediately; provided, however, that
21 the rules and regulations necessary to implement section one of this act
22 shall be promulgated and take effect on or before the one hundred eight-
23 ieth day after this act shall have become a law.

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

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