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

5065

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

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

AN ACT to amend the public health law, in relation to establishing the disposal of prescription drugs program

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 article 2-B to read as follows:

ARTICLE 2-B

DISPOSAL OF PRESCRIPTION DRUGS PROGRAM

SECTION 290. DEFINITIONS.

291. DISPOSAL OF PRESCRIPTION DRUGS PROGRAM; ESTABLISHMENT.

S 290. DEFINITIONS. 1. "PRESCRIPTION DRUG" OR "DRUG" MEANS A DRUG DEFINED IN SUBDIVISION SEVEN OF SECTION SIXTY-EIGHT HUNDRED TWO OF THE EDUCATION LAW, FOR WHICH A PRESCRIPTION IS REQUIRED UNDER THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

2. "PHARMACY" MEANS ANY PLACE IN WHICH DRUGS, PRESCRIPTIONS OR POISONS ARE POSSESSED FOR THE PURPOSE OF COMPOUNDING, PRESERVING, DISPENSING OR RETAILING, OR IN WHICH DRUGS, PRESCRIPTIONS OR POISONS ARE COMPOUNDED, PRESERVED, DISPENSED OR RETAILED, OR IN WHICH SUCH DRUGS, PRESCRIPTIONS OR POISONS ARE BY ADVERTISING OR OTHERWISE OFFERED FOR SALE AT RETAIL.

S 291. DISPOSAL OF PRESCRIPTION DRUGS PROGRAM; ESTABLISHMENT. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT A DISPOSAL OF PRESCRIPTION DRUGS PROGRAM TO IMPLEMENT A SYSTEM BY WHICH PHARMACIES MAY VOLUNTARILY ACCEPT AND DISPOSE OF ANY UNUSED PORTIONS OF PRESCRIPTION DRUGS PRESCRIBED TO RESIDENTS OF THIS STATE AND MAY PROVIDE SUCH DISPOSAL SITES ON A DAILY BASIS DURING NORMAL OPERATING HOURS.

2. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE. SUCH RULES AND REGULATIONS SHALL ENABLE PHARMACISTS TO

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

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ACCEPT AND DISPOSE OF ANY PRESCRIPTION DRUG WHICH IS BROUGHT TO THEM FOR THE PURPOSE OF DISPOSAL.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.