

3944

2013-2014 Regular Sessions

I N S E N A T E

February 27, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed 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

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

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1 WHETHER SUCH PERSON IS ACCEPTING OR IS TURNING IN SUCH CONTROLLED
2 SUBSTANCE.

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

8 S 3. This act shall take effect on the one hundred eightieth day after
9 the federal Drug Enforcement Agency adopts rules and regulations author-
10 izing controlled substance take back programs, as defined in subdivision
11 29 of section 206 of the public health law as added by section one of
12 this act; provided that the commissioner of health shall notify the
13 legislative bill drafting commission upon the adoption of such rules and
14 regulations by the federal Drug Enforcement Agency in order that the
15 commission may maintain an accurate and timely effective data base of
16 the official text of the laws of the state of New York in furtherance of
17 effectuating the provisions of section 44 of the legislative law and
18 section 70-b of the public officers law. Effective upon the provision of
19 such notice by the commissioner of health, the addition, amendment
20 and/or repeal of any rule or regulation necessary for the implementation
21 of this act on its effective date is authorized to be made on or before
22 such date.