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

5563

2013-2014 Regular Sessions

I N S E N A T E

May 21, 2013

Introduced by Sen. BOYLE -- 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 expanding opportunities for the safe disposal of unused controlled substances

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

Section 1. Section 3343-b of the public health law, as added by section 1 of part E of chapter 447 of the laws of 2012, is amended to read as follows:

S 3343-b. Safe disposal of unused controlled substances. The department shall establish a program for the safe disposal of unused controlled substances by consumers in accordance with federal law. The program shall permit individual members of the public to voluntarily surrender controlled substances listed on schedule II, III, IV or V of section thirty-three hundred six of this article in a secure manner, AND without identifying themselves[, and]. THE SURRENDER OF A CONTROLLED SUBSTANCE PURSUANT TO THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE POSSESSION, TRANSFER OR SALE OF SUCH CONTROLLED SUBSTANCE FOR PURPOSES OF THIS ARTICLE OR THE PENAL LAW. SUCH PROGRAM shall be publicized IN A MANNER consistent with the prescription pain medication awareness program established pursuant to section thirty-three hundred nine-a of this article, AND THE LOCATION OF DISPOSAL SITES SHALL BE PUBLISHED ON THE DEPARTMENT'S WEBSITE. [The surrender of a controlled substance pursuant to the program established pursuant to this section shall not constitute the possession, transfer or sale of such controlled substance for purposes of this article or the penal law.] In developing such program, the department shall consider the following: appropriate sites for disposal throughout the state; the role of law enforcement and federal authorities, as appropriate; and the manner in which potential costs to localities or to the state will be addressed. Disposal sites shall be operated by law enforcement agencies

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

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on a voluntary basis in collaboration with the department[. Nothing]; AND THE DEPARTMENT SHALL ENSURE THAT APPROPRIATE AND LEGAL OPTIONS FOR THE DESTRUCTION OF SURRENDERED CONTROLLED SUBSTANCES ARE AVAILABLE TO DISPOSAL SITES WITHOUT COST. A POLITICAL SUBDIVISION OF THE STATE MAY REQUEST TO PARTICIPATE IN THIS PROGRAM; PROVIDED, HOWEVER, THAT NOTHING in this section shall require any [political subdivision of the state to participate in the program established in this section] SUCH PARTICIPATION.

S 2. This act shall take effect immediately.