

1101--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. GUNTHER, McDONALD, JAFFEE, KEARNS -- Multi-Sponsored by -- M. of A. BOYLAND, CERETTO, CROUCH, DUPREY, MAGEE -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

LBD03000-03-3

1 1. IT SHALL NOT BE A VIOLATION OF ANY PROVISION OF THIS ARTICLE WHEN A
2 PERSON'S UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE IS DISCOVERED AS
3 A RESULT OF SUCH PERSON'S LAWFUL PARTICIPATION IN THE CONTROLLED
4 SUBSTANCE TAKE BACK PROGRAM ESTABLISHED PURSUANT TO SUBDIVISION TWENTY-
5 NINE OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW REGARDLESS OF
6 WHETHER SUCH PERSON IS ACCEPTING OR IS TURNING IN SUCH CONTROLLED
7 SUBSTANCE.

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

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