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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PARKER -- 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 hypodermic syringes

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

1 Section 1. Subdivisions 1 and 5 of section 3381 of the public health
2 law, subdivision 1 as amended by chapter 178 of the laws of 2010 and
3 subdivision 5 as amended by section 9-a of part B of chapter 58 of the
4 laws of 2007, are amended to read as follows:
5 1. It shall be unlawful for any person to sell or furnish to another
6 person or persons, a hypodermic syringe or hypodermic needle except:
7 (a) pursuant to a prescription of a practitioner, which for the
8 purposes of this section shall include a patient specific prescription
9 form as provided for in the education law; or
10 (b) to persons who have been authorized by the commissioner to obtain
11 and possess such instruments; or
12 (c) by a pharmacy licensed under article one hundred thirty-seven of
13 the education law, health care facility licensed under article twenty-
14 eight of this chapter or a health care practitioner who is otherwise
15 authorized to prescribe the use of hypodermic needles or syringes within
16 his or her scope of practice; provided, however, that such sale or
17 furnishing: (i) shall only be to a person eighteen years of age or
18 older; AND (ii) [shall be limited to a quantity of ten or less hypoderm-
19 ic needles or syringes; and (iii)] shall be in accordance with subdivi-
20 sion five of this section.
21 5. (a) A person eighteen years of age or older may obtain and possess
22 a hypodermic syringe or hypodermic needle pursuant to paragraph (c) of
23 subdivision one of this section.

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

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1 (b) Subject to regulations of the commissioner, a pharmacy licensed
2 under article one hundred thirty-seven of the education law, a health
3 care facility licensed under article twenty-eight of this chapter or a
4 health care practitioner who is otherwise authorized to prescribe the
5 use of hypodermic needles or syringes within his or her scope of prac-
6 tice, may obtain and possess hypodermic needles or syringes for the
7 purpose of selling or furnishing them pursuant to paragraph (c) of
8 subdivision one of this section or for the purpose of disposing of them,
9 provided that such pharmacy, health care facility or health care practi-
10 tioner has registered with the department.

11 (c) Sale or furnishing of hypodermic syringes or hypodermic needles to
12 direct consumers pursuant to this subdivision by a pharmacy, health care
13 facility, or health care practitioner shall be accompanied by a safety
14 insert. Such safety insert shall be developed or approved by the commis-
15 sioner and shall include, but not be limited to, (i) information on the
16 proper use of hypodermic syringes and hypodermic needles; (ii) the risk
17 of blood borne diseases that may result from the use of hypodermic
18 syringes and hypodermic needles; (iii) methods for preventing the trans-
19 mission or contraction of blood borne diseases; (iv) proper hypodermic
20 syringe and hypodermic needle disposal practices; (v) information on the
21 dangers of injection drug use, and how to access drug treatment; (vi) a
22 toll-free phone number for information on the human immunodeficiency
23 virus; and (vii) information on the safe disposal of hypodermic syringes
24 and hypodermic needles including the relevant provisions of the environ-
25 mental conservation law relating to the unlawful release of regulated
26 medical waste. The safety insert shall be attached to or included in the
27 hypodermic syringe and hypodermic needle packaging, or shall be given to
28 the purchaser at the point of sale or furnishing in brochure form.

29 [(d)] In addition to the requirements of paragraph (c) of subdivision
30 one of this section, a pharmacy licensed under article one hundred thir-
31 ty-seven of the education law may sell or furnish hypodermic needles or
32 syringes only if such pharmacy[: (i) does not advertise to the public
33 the availability for retail sale or furnishing of hypodermic needles or
34 syringes without a prescription; and (ii)] at any location where hypo-
35 dermic needles or syringes are kept for retail sale or furnishing,
36 stores such needles and syringes in a manner that makes them available
37 only to authorized personnel and not openly available to customers.

38 [(e)] (D) The commissioner shall promulgate rules and regulations
39 necessary to implement the provisions of this subdivision which shall
40 include a requirement that such pharmacies, health care facilities and
41 health care practitioners cooperate in [a] THE safe disposal of used
42 hypodermic needles or syringes.

43 [(f)] (E) The commissioner may, upon the finding of a violation of
44 this section, suspend for a determinate period of time the sale or
45 furnishing of syringes by a specific entity.

46 S 2. This act shall take effect immediately.