

10202

I N A S S E M B L Y

May 16, 2016

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Higher Education

AN ACT to amend the public health law, in relation to sale and
possession of hypodermic needles and syringes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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] REGISTERED under article one hundred
13 thirty-seven of the education law, health care facility licensed under
14 article twenty-eight of this chapter or a health care practitioner who
15 is otherwise authorized to prescribe the use of hypodermic needles or
16 syringes within his or her scope of practice; provided, however, that
17 such sale or furnishing: (i) shall only be to a person eighteen years of
18 age or older; AND (ii) [shall be limited to a quantity of ten or less
19 hypodermic needles or syringes; and (iii)] shall be in accordance with
20 subdivision 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.
24 (b) Subject to regulations of the commissioner, a pharmacy [licensed]
25 REGISTERED under article one hundred thirty-seven of the education law,
26 a health care facility licensed under article twenty-eight of this chap-
27 ter or a health care practitioner who is otherwise authorized to
28 prescribe the use of hypodermic needles or syringes within his or her

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

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1 scope of practice, may obtain and possess hypodermic needles or syringes
2 for the purpose of selling or furnishing them pursuant to paragraph (c)
3 of subdivision one of this section or for the purpose of disposing of
4 them, provided that such pharmacy, health care facility or health care
5 practitioner has registered with the department.

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

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

34 (e) A PHARMACY REGISTERED UNDER ARTICLE ONE HUNDRED THIRTY-SEVEN OF
35 THE EDUCATION LAW MAY OFFER COUNSELING AND REFERRAL SERVICES TO CUSTOM-
36 ERS PURCHASING SYRINGES FOR THE PURPOSE OF: PREVENTING INJECTION DRUG
37 ABUSE; THE PROVISIONS OF DRUG TREATMENT; PREVENTING AND TREATING HEPATI-
38 TIS C; PREVENTING DRUG OVERDOSE; TESTING FOR THE HUMAN IMMUNODEFICIENCY
39 VIRUS; AND PROVIDING PRE-EXPOSURE PROPHYLAXIS AND NON-OCCUPATIONAL
40 POST-EXPOSURE PROPHYLAXIS. THE CONTENT OF SUCH COUNSELING AND REFERRAL
41 SHALL BE AT THE PROFESSIONAL DISCRETION OF THE PHARMACIST.

42 (F) The commissioner shall promulgate [rules and] regulations neces-
43 sary to implement the provisions of this subdivision which shall
44 include: (I) STANDARDS FOR ADVERTISING TO THE PUBLIC THE AVAILABILITY
45 FOR RETAIL SALE OR FURNISHING OF HYPODERMIC SYRINGES OR NEEDLES; AND
46 (II) a requirement that such pharmacies, health care facilities and
47 health care practitioners cooperate in [a] THE safe disposal of used
48 hypodermic needles or syringes.

49 [(f)] (G) The commissioner may, upon the finding of a violation of
50 this section, suspend for a determinate period of time the sale or
51 furnishing of syringes by a specific entity.

52 S 2. This act shall take effect immediately.