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

2855

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. ENGLEBRIGHT, LUPARDO, GUNTHER, COLTON, MOSLEY, TITONE, CRESPO, SCHIMEL, SIMOTAS -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, GLICK, RIVERA, THIELE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the drug manufacturer collection program

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

Section 1. The public health law is amended by adding a new section 2811-a to read as follows:

S 2811-A. DISPOSAL OF DRUGS. NO HOSPITAL OR RESIDENTIAL HEALTH CARE FACILITY SHALL DISPOSE OF ANY DRUG IN ANY OTHER MANNER THAN THAT ESTABLISHED BY SECTION THIRTY-THREE HUNDRED SEVENTEEN OF THIS CHAPTER.

S 2. The public health law is amended by adding a new section 3317 to read as follows:

S 3317. MANUFACTURER DRUG COLLECTION PROGRAM. 1. EVERY MANUFACTURER OF DRUGS SHALL ESTABLISH AND IMPLEMENT A COLLECTION PROGRAM FOR UNUSED AND EXPIRED DRUGS HELD BY HOSPITALS AND RESIDENTIAL HEALTH CARE FACILITIES. EACH MANUFACTURER SHALL BE RESPONSIBLE FOR ALL COSTS AND THE SECURITY OF ITS DRUG COLLECTION PROGRAM.

2. ANY SUCH MANUFACTURER MAY CONTRACT WITH A SUITABLE PUBLIC OR PRIVATE THIRD PARTY FOR THE ESTABLISHMENT AND IMPLEMENTATION OF ITS DRUG COLLECTION PROGRAM PURSUANT TO THIS SECTION. EVERY MANUFACTURER WHICH CONTRACTS WITH A THIRD PARTY PURSUANT TO THIS SUBDIVISION SHALL FULLY REIMBURSE THE THIRD PARTY FOR ALL COSTS OF IMPLEMENTING ITS DRUG COLLECTION PROGRAM.

3. EVERY HOSPITAL AND RESIDENTIAL HEALTH CARE FACILITY SHALL RETURN ALL ITS UNUSED AND EXPIRED DRUGS TO THE APPROPRIATE MANUFACTURER'S DRUG COLLECTION PROGRAM.

4. EVERY MANUFACTURER SHALL DISPOSE OF ALL DRUGS COLLECTED PURSUANT TO THIS SECTION IN AN ENVIRONMENTALLY SOUND MANNER AS PROVIDED IN RULES AND

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

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REGULATIONS PROMULGATED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. NOTWITHSTANDING THIS REQUIREMENT, DRUG MANUFACTURERS AND THEIR THIRD PARTY CONTRACTORS SHALL NOT DISPOSE OF DRUGS AS SOLID WASTE IN LANDFILLS.

5. EVERY MANUFACTURER SHALL, ON A BIANNUAL BASIS, SUBMIT A WRITTEN REPORT TO THE DEPARTMENT ON ITS DRUG COLLECTION PROGRAM, INCLUDING THE TYPES AND AMOUNTS OF DRUGS COLLECTED, THE METHODS OF DISPOSAL, AND THE FACILITIES WHERE THE DRUGS WERE TAKEN FOR DISPOSAL.

S 3. This act shall take effect on the fifteenth of January next succeeding the date on which it shall have become a law.