

6062

2015-2016 Regular Sessions

I N A S S E M B L Y

March 11, 2015

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the safe disposal of unused controlled substances

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

1 Section 1. Section 3343-b of the public health law, as amended by
2 chapter 343 of the laws of 2013, is amended to read as follows:
3 S 3343-b. Safe disposal of unused controlled substances. 1. The
4 department shall [establish] OVERSEE a program for the safe disposal of
5 unused controlled substances by consumers in accordance with federal
6 law. [The program shall permit individual] INDIVIDUAL members of the
7 public SHALL BE AUTHORIZED to voluntarily surrender controlled
8 substances listed on schedule II, III, IV or V of section thirty-three
9 hundred six of this article in a secure manner, without identifying
10 themselves [, and]. SAFE DISPOSAL METHODS shall be publicized consistent
11 with the prescription pain medication awareness program established
12 pursuant to section thirty-three hundred nine-a of this article.
13 2. The surrender of a controlled substance pursuant to [the program
14 established pursuant to] this section shall not constitute the
15 possession, transfer or sale of such controlled substance for purposes
16 of this article or the penal law.
17 3. [In developing such program, the department shall consider the
18 following: appropriate sites for disposal throughout the state; the role
19 of law enforcement and federal authorities, as appropriate; and the
20 manner in which potential costs to localities or to the state will be
21 addressed.] Disposal sites shall be operated by law enforcement agencies
22 [and], pharmacies AND OTHER FEDERAL DRUG ENFORCEMENT ADMINISTRATION
23 AUTHORIZED COLLECTORS on a voluntary basis [in collaboration with the
24 department]. Nothing in this section shall require any political subdi-

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

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1 vision of the state to participate in the program established in this
2 section.

3 [4. A licensed pharmacy designated by the commissioner may be a
4 disposal site under this section for the functions of accepting surren-
5 der of controlled substances from consumers, temporarily storing the
6 controlled substances, and transferring the controlled substances to an
7 authorized disposal site.

8 5. The commissioner shall make regulations under this section, includ-
9 ing (in consultation with the commissioner of education) regulations
10 relating to pharmacies in the program.]

11 S 2. This act shall take effect immediately, and the provisions of
12 section 3343-b of the public health law, as amended by section one of
13 this act, shall be effective and implemented on and after such effective
14 date notwithstanding the failure to promulgate any rule or regulation
15 providing for the implementation thereof.