STATE OF NEW YORK

387--B

Cal. No. 86

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, GOTTFRIED, MOSLEY, KAVANAGH, HUNTER, THIELE, GALEF, SEPULVEDA, ROSENTHAL, COLTON, MAYER -- Multi-Sponsored by -- M. of A. LUPARDO, McDONOUGH, WALKER -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to disposal sites operated by pharmacies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 3343-b of the public health law, as amended by chapter 379 of the laws of 2015, is amended and five new subdivisions 4, 5, 6, 7 and 8 are added to read as follows:

3. Disposal sites shall be operated by law enforcement agencies, pharmacies **that do not meet the definition of "chain pharmacy" as defined in subdivision four of this section,** and other Federal Drug Enforcement Administration authorized collectors on a voluntary basis. Nothing in this section shall require any political subdivision of the state to participate in the program established in this section.

4. It is the policy of the state to expand drug disposal options to keep unused medications from being misused. In accordance with this policy, chain pharmacies dispensing such medications shall also collect such medications in accordance with this section. For the purposes of this section, "chain pharmacy" shall mean any pharmacy that is part of a group of ten or more establishments that: (a) conduct business under the same business name, or (b) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor. The commissioner shall require any chain pharmacy operating in the state to provide drug disposal options to its customers, seeking federal Drug Enforcement Administration approval as needed, for purposes of collect-

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

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ing controlled substances through use of a collection receptacle, mail-back program or other Drug Enforcement Administration approved mechanism, provided such is offered free of charge to all customers, except as provided in subdivision six of this section.

5. Nonresident pharmacies registered pursuant to section sixty-eight hundred eight-b of the education law, that fill prescriptions for controlled substances to be delivered to residents of the state, shall offer all New York state residents the option to mail-back controlled substances at a cost of no more than two dollars to the consumer in accordance with this section, and federal law and regulations.

6. Chain pharmacies and nonresident pharmacies shall not charge a consumer more than two dollars per mail-back envelope.

7. In every chain pharmacy there shall be posted a notice specifying drug disposal methods made available by such pharmacy in accordance with this section. Such notice shall be in a visually conspicuous place for customers.

8. Jurisdiction of all matters pertaining to drug disposal of controlled substances is by this section vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated prior to, or upon the effective date of this subdivision, shall be preempted.

§ 2. This act shall take effect six months after it shall have become a law.