

# STATE OF NEW YORK

6962

2017-2018 Regular Sessions

## IN ASSEMBLY

March 28, 2017

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

AN ACT to amend the public health law, in relation to increasing civil penalties; and to amend part A of chapter 58 of the laws of 2008, amending the elder law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to the effectiveness thereof

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

1 Section 1. Subdivision 1 of section 12 of the public health law, as  
2 amended by section 16 of part A of chapter 58 of the laws of 2008, is  
3 amended to read as follows:

4 1. (a) Except as provided in paragraphs (b) and (c) of this subdivi-  
5 sion, any person who violates, disobeys or disregards any term or  
6 provision of this chapter or of any lawful notice, order or regulation  
7 pursuant thereto for which a civil penalty is not otherwise expressly  
8 prescribed by law, shall be liable to the people of the state for a  
9 civil penalty of not to exceed [~~two~~ ten] thousand dollars for every such  
10 violation.

11 (b) The penalty provided for in paragraph (a) of this subdivision may  
12 be increased to an amount not to exceed [~~five~~ twenty-five] thousand  
13 dollars for a subsequent violation if the person committed the same  
14 violation, with respect to the same or any other person or persons,  
15 within twelve months of the initial violation for which a penalty was  
16 assessed pursuant to paragraph (a) of this subdivision and said  
17 violations were a serious threat to the health and safety of an individ-  
18 ual or individuals.

19 (c) The penalty provided for in paragraph (a) of this subdivision may  
20 be increased to an amount not to exceed [~~ten~~ fifty] thousand dollars if  
21 the violation directly results in serious physical harm to any patient  
22 or patients.

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

LBD10732-01-7

1 Effective on and after April first, two thousand eight the comptroller  
2 is hereby authorized and directed to deposit amounts collected in excess  
3 of two thousand dollars per violation to the patient safety center  
4 account to be used for purposes of the patient safety center created by  
5 title two of article twenty-nine-D of this chapter.

6 § 2. Section 32 of part A of chapter 58 of the laws of 2008, amending  
7 the elder law and other laws relating to reimbursement to participating  
8 provider pharmacies and prescription drug coverage, as amended by  
9 section 13 of part A of chapter 57 of the laws of 2015, is amended to  
10 read as follows:

11 § 32. This act shall take effect immediately and shall be deemed to  
12 have been in full force and effect on and after April 1, 2008; provided  
13 however, that sections one, six-a, nineteen, twenty, twenty-four, and  
14 twenty-five of this act shall take effect July 1, 2008; provided however  
15 that sections [~~sixteen~~] seventeen and eighteen of this act shall expire  
16 April 1, 2017; provided, however, that the amendments made by section  
17 twenty-eight of this act shall take effect on the same date as section 1  
18 of chapter 281 of the laws of 2007 takes effect; provided further, that  
19 sections twenty-nine, thirty, and thirty-one of this act shall take  
20 effect October 1, 2008; provided further, that section twenty-seven of  
21 this act shall take effect January 1, 2009; and provided further, that  
22 section twenty-seven of this act shall expire and be deemed repealed  
23 March 31, 2017; and provided, further, however, that the amendments to  
24 subdivision 1 of section 241 of the education law made by section twen-  
25 ty-nine of this act shall not affect the expiration of such subdivision  
26 and shall be deemed to expire therewith and provided that the amendments  
27 to section 272 of the public health law made by section thirty of this  
28 act shall not affect the repeal of such section and shall be deemed  
29 repealed therewith.

30 § 3. This act shall take effect immediately; provided, however, that  
31 section one of this act shall take effect on the ninetieth day after it  
32 shall have become a law.