

# STATE OF NEW YORK

S. 5433

A. 6956

2017-2018 Regular Sessions

## SENATE - ASSEMBLY

March 28, 2017

IN SENATE -- Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

IN ASSEMBLY -- Introduced by M. of A. GALEF, TITONE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the "tobacco-free pharmacies act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "Tobacco-Free Pharmacies Act".

3 § 2. The public health law is amended by adding a new section  
4 1399-dd-1 to read as follows:

5 § 1399-dd-1. Sale of tobacco products in pharmacies. 1. As used in  
6 this section "pharmacy" means any place registered as such by the New  
7 York state board of pharmacy and registered with the federal agency  
8 pursuant to the federal controlled substances act as well as any place  
9 in which drugs and medical components are possessed for the purpose of  
10 preparing, compounding, preserving or dispensing of drugs, medicines and  
11 therapeutic devices on the basis of prescriptions. This includes facili-  
12 ties and retailers that maintain a pharmacy within their establishment.

13 2. No pharmacy shall sell or cause to be sold tobacco products.

14 3. The commissioner shall have sole jurisdiction to enforce the  
15 provisions of this section.

16 4. If a violation is suspected by the commissioner, notice shall be  
17 given and a hearing shall occur to determine if a violation has  
18 occurred. The hearing shall be conducted pursuant to the provisions of  
19 section twelve-a of this chapter.

20 5. If the commissioner determines after a hearing that a violation of  
21 this section has occurred, a civil penalty may be imposed by the commis-  
22 sioner in an amount not to exceed two thousand dollars per violation. No

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

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1 other penalty, fine or sanction may be imposed, provided that nothing  
2 herein shall be construed to prohibit the commissioner from commencing a  
3 proceeding for injunctive relief to compel compliance with this section.

4 § 3. This act shall take effect on the sixtieth day after it shall  
5 have become a law; provided, however, that effective immediately, the  
6 addition, amendment and/or repeal of any rule or regulation necessary  
7 for the implementation of this act on its effective date are authorized  
8 and directed to be made and completed on or before such effective date.