

# 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:

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

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

10 4. It is the policy of the state to expand drug disposal options to  
11 keep unused medications from being misused. In accordance with this  
12 policy, chain pharmacies dispensing such medications shall also collect  
13 such medications in accordance with this section. For the purposes of  
14 this section, "chain pharmacy" shall mean any pharmacy that is part of a  
15 group of ten or more establishments that: (a) conduct business under the  
16 same business name, or (b) operate under common ownership or management  
17 or pursuant to a franchise agreement with the same franchisor. The  
18 commissioner shall require any chain pharmacy operating in the state to  
19 provide drug disposal options to its customers, seeking federal Drug  
20 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.

LBD03748-05-7

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

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

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

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

17 8. Jurisdiction of all matters pertaining to drug disposal of  
18 controlled substances is by this section vested exclusively in the  
19 state. Any provision of any local law or ordinance, or any rule or regu-  
20 lation promulgated prior to, or upon the effective date of this subdivi-  
21 sion, shall be preempted.

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