# STATE OF NEW YORK

S. 5433--A A. 6956--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. GALEF, TITONE, MONTESANO, HARRIS, ORTIZ, SKOUFIS, D'URSO, JAFFEE, DINOWITZ, SIMON, BUCHWALD, GLICK, RIVERA, JENNE, HOOPER, ROSENTHAL -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:**

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

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

**§ 1399-dd-1. Sale of tobacco products in pharmacies. 1. As used in this section "pharmacy" means any place registered as such by the New York state board of pharmacy and registered with the federal agency pursuant to the federal controlled substances act as well as any place in which drugs and medical components are possessed for the purpose of preparing, compounding, preserving or dispensing of drugs, medicines and therapeutic devices on the basis of prescriptions. This includes retailers that operate or maintain a pharmacy within their premises but shall not include other retailers co-located in a mall or other similar facility where such pharmacy is located.**

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

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

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

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

**5. If the commissioner determines after a hearing that a violation of this section has occurred, a civil penalty may be imposed by the commissioner in an amount not to exceed two thousand dollars per violation. No other penalty, fine or sanction may be imposed, provided that nothing in this section shall be construed to prohibit the commissioner from commencing a proceeding for injunctive relief to compel compliance with this section.**

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