STATE OF NEW YORK

6775

2017-2018 Regular Sessions

IN SENATE

June 16, 2017

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 three new subdivisions 4, 5 and 6 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 to its customers, seeking federal Drug Enforcement Administration approval, as needed, for purposes of collecting controlled substances through use of a collection receptacle, take back events, mail-back program or other Drug Enforcement Administration approved mechanism, provided such is offered free of charge to all customers, with the exception of mail-back or other approved drug disposal envelope or product provided at no profit to the pharmacy. In

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

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the event a pharmacy collects controlled substances through take back events, the pharmacy shall make mail-back envelopes available at no profit to the pharmacy.

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 free of charge to the consumer in accordance with this section, and federal law and regulations.

6. 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.