

# STATE OF NEW YORK

S. 592

A. 389

2019-2020 Regular Sessions

## SENATE - ASSEMBLY

(Prefiled)

January 9, 2019

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, ORTIZ, JAFFEE, DINOWITZ, SIMON, BUCHWALD, D'URSO, GLICK, RIVERA, L. ROSENTHAL, BLAKE, MONTESANO -- 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  
12 retailers that operate or maintain a pharmacy within their premises but  
13 shall not include other retailers co-located in a mall or other similar  
14 facility where such pharmacy is located.

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

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

18 4. If a violation is suspected by the commissioner, notice shall be  
19 given and a hearing shall occur to determine if a violation has

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

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1 occurred. The hearing shall be conducted pursuant to the provisions of  
2 section twelve-a of this chapter.

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

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