

STATE OF NEW YORK

5086

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring a personal use pharmaceutical disposal system be provided at the time of dispensing an opioid prescription

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

1 Section 1. The public health law is amended by adding a new section
2 3309-c to read as follows:

3 § 3309-c. Opioid personal use pharmaceutical disposal systems. 1. No
4 person in the state shall dispense an opioid prescription to the ulti-
5 mate user of such prescribed opioid unless such person additionally
6 provides to such ultimate user a personal use pharmaceutical disposal
7 system at no cost to such ultimate user.

8 2. Each county health department shall provide personal use pharmaceu-
9 tical disposal systems to each pharmacy in such county at no cost to
10 such pharmacy to be distributed pursuant to the provisions of subdivi-
11 sion one of this section. Personal use pharmaceutical disposal systems
12 shall either be provided to each county health department by the
13 manufacturer of each opioid distributed in such county at no cost to
14 such county health department, or acquired by the county health depart-
15 ment through the use of funds made available from the opioid settlement
16 fund established pursuant to section ninety-nine-nn of the state finance
17 law.

18 3. A county health department may establish administrative procedures
19 to implement the provisions of this section.

20 4. As used in this section:

21 (a) "Personal use pharmaceutical disposal system" means a portable
22 product designed for personal use by the ultimate user for the purpose
23 of allowing the ultimate user of a prescribed opioid to deactivate the
24 prescribed opioid to a non-retrievable condition or state.

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

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1 (b) "Ultimate user" means a person who has lawfully obtained, and who
2 possesses, a prescribed opioid for his or her own use or for the use of
3 a member of his or her household.

4 § 2. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law.