

STATE OF NEW YORK

5738

2023-2024 Regular Sessions

IN SENATE

March 15, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed 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 a controlled substance 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. Controlled substance personal use pharmaceutical disposal
4 systems. 1. No person in the state shall dispense a controlled substance
5 prescription to the ultimate user of such prescribed controlled
6 substance unless such person additionally provides to such ultimate user
7 a personal use pharmaceutical disposal system at no cost to such ulti-
8 mate user.

9 2. Each county health department shall provide personal use pharmaceu-
10 tical disposal systems to each pharmacy in such county at no cost to
11 such pharmacy to be distributed pursuant to the provisions of subdivi-
12 sion one of this section. Personal use pharmaceutical disposal systems
13 shall either be provided to each county health department by the
14 manufacturer of each controlled substance distributed in such county at
15 no cost to such county health department, or acquired by the county
16 health department through the use of funds made available from the state
17 as appropriated therefor.

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 controlled substance to

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

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1 deactivate the prescribed controlled substance to a non-retrievable
2 condition or state.

3 (b) "Ultimate user" means a person who has lawfully obtained, and who
4 possesses, a prescribed controlled substance for such person's own use
5 or for the use of a member of such person's household.

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