

STATE OF NEW YORK

6393

2023-2024 Regular Sessions

IN ASSEMBLY

April 6, 2023

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

AN ACT to amend the public health law, in relation to expanding the drug take back act to include single-use and reusable electronic cigarettes

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

1 Section 1. Subdivision 2 of section 290 of the public health law, as
2 added by chapter 120 of the laws of 2018, is amended to read as follows:
3 2. "Covered drug" means any substance recognized as a drug under 21
4 USC § 321(g)(1), as amended, and any regulations promulgated thereunder
5 that is sold, offered for sale or dispensed in the state, whether
6 directly or through a wholesaler, in any form including prescription and
7 nonprescription drugs, drugs in medical devices and combination
8 products, brand and generic drugs and drugs for veterinary use; provided
9 however, covered drug shall additionally include single-use and reusable
10 electronic cigarettes as defined in section thirteen hundred ninety-
11 nine-aa of this chapter; provided however covered drug shall not
12 include: (a) vitamins or supplements; (b) herbal-based remedies and
13 homeopathic drugs, products or remedies; (c) cosmetics, soap (with or
14 without germicidal agents), laundry detergent, bleach, household clean-
15 ing products, shampoos, sunscreens, toothpaste, lip balm, antiperspi-
16 rants or other personal care products that are regulated as both cosmet-
17 ics and nonprescription drugs under the Federal Food, Drug, and Cosmetic
18 Act; (d) pet pesticide products contained in pet collars, powders, sham-
19 poos, topical applications, or other forms; (e) drugs that are biolog-
20 ical products as defined in subdivision twenty-seven of section sixty-
21 eight hundred two of the education law if the manufacturer already
22 provides a take back program; (f) drugs for which a manufacturer
23 provides a take back program as part of a Federal Food and Drug Adminis-
24 tration managed risk evaluation and mitigation strategy; (g) emptied
25 injector products or emptied medical devices and their component parts

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

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1 or accessories; and (h) drugs that are used solely in a clinical
2 setting.
3 § 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law. Effective immediately, the addition, amend-
5 ment and/or repeal of any rule or regulation necessary for the implemen-
6 tation of this act on its effective date are authorized to be made and
7 completed on or before such effective date.