§ 3343-b. Safe disposal of unused controlled substances. 1. The department shall oversee a program for the safe disposal of unused controlled substances by consumers in accordance with federal law and article two-B of this chapter. Individual members of the public shall be authorized to voluntarily surrender controlled substances listed on schedule II, III, IV or V of section thirty-three hundred six of this article in a secure manner, without identifying themselves. Safe disposal methods shall be publicized consistent with the prescription pain medication awareness program established pursuant to section thirty-three hundred nine-a of this article and article two-B of this chapter.

2. The surrender of a controlled substance pursuant to this section and article two-B of this chapter shall not constitute the possession, transfer or sale of such controlled substance for purposes of this article or the penal law.

3. Except as provided in article two-B of this chapter, disposal sites shall be operated by law enforcement agencies, pharmacies and other Federal Drug Enforcement Administration authorized collectors on a voluntary basis, provided, however, that such disposal sites shall not be precluded from operating as part of a drug take back program established pursuant to article two-B of this chapter. Nothing in this section shall require any political subdivision of the state to participate in the program established in this section.