§ 3387. Seizure and forfeiture of controlled substances, imitation controlled substances and official New York state prescription forms; disposition. 1. Any controlled substance or imitation controlled substance which has been manufactured, distributed, dispensed or acquired in violation of this article, or the lawful possession of which cannot be immediately ascertained, and any official New York state prescription form which has been printed, distributed or acquired in violation of this article or the lawful possession of which cannot be immediately ascertained are hereby declared to be public nuisances and may be seized by a peace officer, acting pursuant to his special duties, or a police officer and shall be forfeited, and disposed of as follows:

(a) except as in this section otherwise provided, the commissioner, the court or magistrate having jurisdiction shall order such controlled substance or imitation controlled substance forfeited or destroyed. A record of the quantity and nature of the substance, of the place where said substance was seized, and of the time, place and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the person ordering such destruction by the officer who destroys them;

(b) upon written application by the commissioner, the court or magistrate by whom the forfeiture of controlled substances or imitation controlled substances has been decreed may order the delivery of any of them, except substances listed in schedule I of section thirty-three hundred six, to such commissioner for distribution or destruction, as hereinafter provided;

(c) upon application by any hospital within this state, not operated for private gain, the commissioner may in his discretion deliver any controlled substance or imitation controlled substance that has come into his custody by authority of this section to the applicants for medicinal use;

(d) the commissioner may from time to time deliver excess stocks of controlled substances or imitation controlled substances to the Bureau or shall destroy the same;

(e) controlled substances or imitation controlled substances which are excess or undesired by persons lawfully possessing the same may be disposed of in such manner as the commissioner shall by regulation require;

(f) official New York state prescription forms which have been seized as provided by this section shall be disposed of by express prepaid shipment to the "State Department of Health, Bureau of Prescription Analysis, Albany, New York," or by delivery to an authorized narcotic control representative of the department.

2. The commissioner shall keep a full and complete record of all controlled substances or imitation controlled substances received and of all controlled substances or imitation controlled substances disposed of, showing the exact kinds, quantities and forms of such substances; the persons from whom received and to whom delivered; by whose authority received, delivered and destroyed; and the dates of the receipt, disposal or destruction. This record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state laws relating to controlled substances or imitation controlled substances.

3. Any raw material product, container or equipment of any kind which is used, or intended for use, in manufacturing, distributing, dispensing or administering a controlled substance or imitation controlled substance in violation of this article shall be seized by any peace officer, acting pursuant to his special duties, or police officer and forfeited in the same manner as property subject to seizure and forfeiture pursuant to section thirty-three hundred eighty-eight of this article, except that such property shall not be retained for use by any official.