

<b>Chapter</b>	<b>Bill No.</b>	<b>Signed Date</b>	<b>Effective Date</b>
625	S7560-A	09/25/2008	takes effect on (3/24/2009) the one hundred eightieth day after it shall have become a law; provided that §2 shall expire on 12/31/2010

---

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S7560A

**SPONSOR:** ALESI|||||

**TITLE OF BILL:**

An act to amend the environmental conservation law, in relation to the management and disposal of drugs; and providing for the expiration of certain provisions

**PURPOSE:**

The bill instructs the Department of Environmental Conservation together with program for implementing a pharmacy based notice on the proper storage and disposal of drugs.

**SUMMARY OF PROVISIONS:**

Section 1 : amends article 27 of the environmental conservation law is amended by adding a new title 27 to read: Drug Management and Disposal.

The bill directs the Department of Environmental Conservation in consultation with the Department of Health to develop and implement a public information program on the proper disposal of drugs pursuant to this title. Also, the Department of Environmental Conservation in consultation with the Department of Education to establish a notice containing information on the proper storage and disposal of drugs, which shall be displayed in pharmacies.

Section 2: Authorizes the Department of Environmental Conservation, in consultation with the Department of Health, to establish a demonstration program to determine the most effective method for the disposal of drugs.

**JUSTIFICATION:**

Currently, the only options for disposal of unwanted, unused or expired prescription and OTC drugs are disposal as solid waste or flushing them

away. Many recent studies have demonstrated that drinking water is being contaminated with common medications.

There have been a few drug collections in the Northeast, which although successful, have barely scraped the surface of this problem. The Federal Resource Conservation and Recovery Act (RCRA) exempts household waste (including prescription and OTC drugs) from hazardous waste regulation. Furthermore, the EPA has made clear that reverse distributors may not accept already dispensed medication as part of that waste stream. However, individual states may determine that drugs are hazardous wastes and must be managed as such.

This bill would also authorize the Department of Environmental Conservation and Health to establish a demonstration program to determine the most effective methods of drug disposal.

**LEGISLATIVE HISTORY:**

2005-06: A.8225: Referred to Environmental Conservation

**FISCAL IMPLICATIONS:**

The DEC would be responsible for developing rules and regulations for the demonstration program.

**EFFECTIVE DATE:**

This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that section two of this act shall expire on December 31, 2010.

---

LAWS OF NEW YORK, 2008

CHAPTER 625

AN ACT to amend the environmental conservation law, in relation to the management and disposal of drugs; and providing for the expiration of certain provisions

Became a law September 25, 2008, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

**The People of the State of New York, represented in Senate and Assem-**

bly, do enact as follows:

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 27 to read as follows:

TITLE 27  
DRUG MANAGEMENT  
AND DISPOSAL

Section 27-2701. Definition.

27-2703. Public information on the disposal of drugs.

§ 27-2701. Definition.

As used in this title, "drug" means any drug, as defined in subdivision seven of section sixty-eight hundred two of the education law.

§ 27-2703. Public information on the disposal of drugs.

1. The department in consultation with the department of health, shall develop and implement a public information program on the proper disposal of drugs pursuant to this title. Such public information program shall include information on the proper storage and disposal of drugs, and on drug disposal sites.

2. The department, in consultation with the education department, shall establish a notice containing information on the proper storage and disposal of drugs, which shall be conspicuously displayed in every pharmacy registered pursuant to subdivision two of section sixty-eight hundred eight of the education law and in every other retail business authorized to sell drugs.

§ 2. The commissioner of the department of environmental conservation, in consultation with the commissioner of the department of health, is authorized, to establish, or enter into contracts for the establishment of, a demonstration program to determine the most effective method for the disposal of drugs, as such term is defined in section 27-2701 of the environmental conservation law.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that section two of this act shall expire on December 31, 2010.

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

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS

Temporary President of the Senate

SHELDON SILVER

Speaker of the Assembly

---

APPROVAL MEMORANDUM - No. 42 Chapter 625

MEMORANDUM filed with Senate Bill Number 7560-A, entitled:

"AN ACT to amend the environmental conservation law, in relation to the management and disposal of drugs, and providing for the expiration of certain provisions"

APPROVED

This bill directs the Department of Environmental Conservation (DEC) to: (1) develop and implement a public information program on, among other things, the proper storage and disposal of drugs; and (2) establish a notice containing information on the proper storage and disposal of drugs which must be conspicuously displayed in registered pharmacies and "every other retail business authorized to sell drugs." In addition, the bill authorizes the Commissioner of Environmental Conservation to establish or contract for the establishment of a demonstration program to determine the most effective method for the disposal of drugs.

Contamination of the State's waters by discarded pharmaceuticals is an emerging environmental concern, and I commend the sponsors for proposing thoughtful legislation that will help educate the public on the proper storage and disposal of drugs. This bill will also complement initiatives that DEC has undertaken to begin to address this problem. For example, DEC has: (1) established a pharmaceuticals work group; (2) launched a public education campaign to discourage the improper disposal of pharmaceuticals; and (3) established a website, [www.dontflushyourdrugs.net](http://www.dontflushyourdrugs.net), which provides information on the proper disposal of pharmaceuticals.

However, some concerns have been raised about the meaning of language in this bill relating to "every other retail business authorized to sell drugs," and potential impacts of the bill on small businesses that sell only small quantities of over-the-counter drugs.

The Legislature has agreed to pass legislation that will address these issues, and I am signing this bill based on that agreement.

The bill is approved.

(signed) DAVID A. PATERSON

\_\_\_\_\_

---

-----12345-----