

RESOLUTION NO. 181 -2011, ADOPTING LOCAL LAW NO. 18 -2011, A LOCAL LAW TO REQUIRE RESPONSIBLE DISPOSAL OF EXPIRED AND UNUSED MEDICATIONS BY HOSPITALS, NURSING HOMES, HOSPICE FACILITIES AND LONG-TERM CARE FACILITIES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 1, 2011, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE RESPONSIBLE DISPOSAL OF EXPIRED AND UNUSED MEDICATIONS BY HOSPITALS, NURSING HOMES, HOSPICE FACILITIES AND LONG-TERM CARE FACILITIES**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 18 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REQUIRE RESPONSIBLE DISPOSAL OF EXPIRED AND UNUSED MEDICATIONS BY HOSPITALS, NURSING HOMES, HOSPICE FACILITIES AND LONG-TERM CARE FACILITIES

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County has demonstrated a commitment to protecting our environment and the health and safety of County residents.

This Legislature also finds and determines that Suffolk County is located on a sole source aquifer which supplies the County's drinking water.

The Legislature also finds that Suffolk County is surrounded by three estuary systems that include numerous harbors and bays that provide recreational and commercial benefits to residents.

This Legislature further finds and determines that, in recent years, communities across the nation, including New York City, have discovered trace amounts of prescription and over-the-counter medications in their drinking water.

This Legislature finds that these medications enter water supplies and coastal waters through improper disposal methods which can directly introduce medications into the water supply and surface waters or allow pills to degrade in soil and enter groundwater systems.

This Legislature also finds that the long-term effects of exposure to these trace amounts in humans is unknown. However, negative effects have been observed in fish, frogs and turtles.

This Legislature determines that hospitals, nursing homes, hospice facilities and long-term care facilities utilize large quantities of medications in providing health services to those in need.

This Legislature also finds that these facilities should have an established protocol for the safe disposal of unused and expired medications that protects the County's drinking water supply and the County's rivers, estuaries, bays and ocean.

This Legislature also finds that the Environmental Protection Agency and New York State Department of Environmental Conservation have issued protocols against flushing unwanted pharmaceuticals.

This Legislature further finds that ensuring that these facilities have an established policy for the safe disposal of unused and expired medications protects the environment and County residents from any harm they may incur from exposure to medications in the drinking water supply.

Therefore, the purpose of this law is to require all hospitals, nursing homes, hospice facilities and long-term care facilities to annually establish and file with the Suffolk County Department of Health Services a plan for the safe disposal of unused and/or expired medications.

Section 2. Requirements.

- A. All hospitals, hospice facilities, nursing homes, and long-term care facilities located in the County of Suffolk shall file with the Department of Health Services a written plan for the safe disposal of unused and/or expired medications. Such plan must establish the means by which the facility will dispose of such medications in an environmentally safe manner to prevent medications from entering our drinking water supply and our rivers, estuaries, bays and ocean.
- B. Commencing in 2012 and continuing each year thereafter, each facility shall file their written medication disposal plan with the Suffolk County Department of Health Services on or before January 30th.

Section 3. Penalties.

Failure to file a written medication disposal plan with the Department of Health Services shall constitute a violation and shall be punishable by a civil fine of five hundred dollars (\$500.00).

Section 4. Enforcement.

This law shall be enforced by the Department of Health Services in accordance with the procedures set forth in §760-202 through 760-215 of the Suffolk County Sanitary Code.

Section 5. Rules and Regulations.

The Commissioner of the Department of Health Services is hereby authorized and empowered to establish rules and regulations necessary for the implementation of this law.

Section 6. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

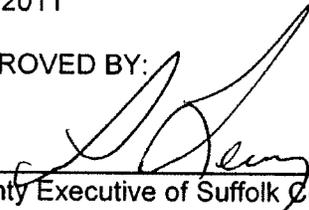
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: March 22, 2011

APPROVED BY:



County Executive of Suffolk County

Date: APR 11 2011

After a public hearing duly held on April 5, 2011
Filed with the Secretary of State on April 28, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on March 22,2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1042

Res. No.

181

March 22, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	11				

MOTION
<input checked="" type="checkbox"/> Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule _____
___ Override Veto
___ Close
___ Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote