

STRICKEN AS OF END OF YEAR 2011
AMENDED COPY AS OF 12/9/2011

Intro. Res. No. 1922-2011
Introduced by Legislator Cooper

Laid on Table 11/22/2011

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW TO ENSURE THE INTEGRITY
AND LEGIBILITY OF PRESCRIPTION LABELS IN SUFFOLK
COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THE INTEGRITY AND LEGIBILITY OF PRESCRIPTION LABELS IN SUFFOLK COUNTY;**" now, therefore be it

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

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

**A LOCAL LAW TO ENSURE THE INTEGRITY AND LEGIBILITY OF
PRESCRIPTION LABELS IN SUFFOLK COUNTY**

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 many Suffolk County residents rely on prescription medications to address a wide variety of health needs.

This Legislature also finds and determines that many of these medications are essential for the survival of individuals with serious medical conditions.

This Legislature finds that the labels affixed to prescription medications dispensed from pharmacies provide patients with important information, including the directions for taking a medication, potential side effects, drug warnings, and a medication's expiration date.

This Legislature finds that, frequently, prescription labels are printed on materials that are susceptible to fading or obfuscation from the sun, water, or simple wear and tear.

This Legislature determines that when a prescription label becomes illegible, the chances of a patient taking the wrong medication or an incorrect dosage of medication increase.

This Legislature also finds that the County of Suffolk has a responsibility to protect the health and safety of its residents.

This Legislature further finds that prescriptions dispensed in Suffolk County should have prescription labels that are resistant to fading, wear and tear or other forms of damage.

Therefore, the purpose of this law is to require pharmacies operating in Suffolk County to take measures to ensure the integrity and legibility of prescription labels for the life of the prescription.

Section 2. Definitions.

As used in this law, the following term shall have the meaning indicated:

“OPERATOR” shall mean the person in charge of a pharmacy. This term shall specifically include, but not necessarily be limited to, the owner, lessee, manager, assistant manager or any person in charge of managing the operation or activities of a pharmacy.

“PHARMACY” shall mean any place in which drugs, prescriptions or poisons are possessed for the purpose of compounding, preserving, dispensing or retailing, or in which drugs, prescriptions or poisons are compounded, preserved, dispensed or retailed, or in which such drugs, prescriptions or poisons are by advertising or otherwise offered for sale at retail, as defined under New York State Education Law § 6802.

“PRESCRIPTION LABEL” shall mean the label affixed to a container used in the dispensing of prescription medications.

Section 3. Requirements.

Pharmacies in Suffolk County must use high quality prescription labels which must strongly adhere the label to the container the prescription is dispensed in and maintain the integrity and legibility of the label under normal conditions of use for the duration of the supply dispensed.

Section 4. Penalties.

Any operator of a pharmacy who intentionally violates any provision of this chapter shall be subject to a civil fine of \$250 for the first offense, \$500 for a second offense, and \$750 for all subsequent offenses.

Section 5. Enforcement.

This article shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II of the Suffolk County Sanitary Code.

Section 6. Rules and Regulations.

The Suffolk County Department of Health Services shall promulgate such rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this chapter.

Section 7. Applicability.

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

Section 8. 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 9. 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 10. Effective Date.

This law shall take effect on the one hundred twentieth (120th) day following its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: