

STRICKEN AS OF 9/13/2012
AMENDED COPY AS OF 3/27/2012

Intro. Res. No. 1288-2012
Introduced by Legislator Spencer

Laid on Table 3/13/2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A LOCAL LAW TO ENSURE SECURE
STORAGE OF CONTROLLED MEDICATIONS AT
PHARMACIES LOCATED IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2012, a proposed local law entitled, "**A LOCAL LAW TO ENSURE SECURE STORAGE OF CONTROLLED MEDICATIONS AT PHARMACIES LOCATED IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE SECURE STORAGE OF
CONTROLLED MEDICATIONS AT PHARMACIES LOCATED 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 addiction to prescription drugs is an epidemic throughout the United States.

This Legislature also finds and determines that prescription drug addicts frequently start abusing medications found in the medicine cabinets of their families and friends, often beginning with remnants of prescriptions for controlled substances like Vicodin and oxycodone.

This Legislature further finds and determines that, as their addiction strengthens, addicts often turn to crime to support their habit. Increasingly, persons addicted to drugs have turned to robbing pharmacies, as they store large quantities of controlled substances.

This Legislature finds that in the last year, two such robberies on Long Island have turned fatal.

This Legislature determines that New York State requires that controlled substances in pharmacies be safeguarded and secured, but provides no direction as to how pharmacies should meet this requirement.

This Legislature also finds that the County of Suffolk should provide pharmacies with clear guidelines for securing controlled substances.

Therefore, the purpose of this law is to establish requirements for the safe storage of controlled substances at pharmacies located in the County of Suffolk.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“CONTROLLED SUBSTANCE” shall mean a substance or substances listed in New York State Public Health Law § 3306.

“PHARMACY” shall mean any pharmacy in the County of Suffolk, as defined in New York State Public Health Law § 3302.

Section 3. Controlled Substance Storage Requirements.

Any pharmacy in the County of Suffolk which has controlled substances in its inventory shall keep Schedule I, II, III and IV controlled substances in stationary, locked double cabinets. Both cabinets, inner and outer, shall have key-locked doors with separate keys; spring locks or combination dial locks are not acceptable. For new construction, cabinets shall be made of steel or another appropriate metal.

Section 4. Documentation of Compliance.

Each pharmacy operating in the County of Suffolk shall submit to the Department of Health Services, on or before July 1st of each year, a written document stating that they are aware of the County’s controlled substance storage requirements and are in compliance with same.

Section 5. Penalties.

- A. Violation of any provision of this law shall be subject to a civil penalty of \$500 for an initial violation. Each subsequent offense shall be punishable by a civil penalty of \$1,000 per violation.
- B. A civil penalty shall only be assessed by the Commissioner of the Department of Health Services following a hearing and opportunity of an alleged violator to be heard.

Section 6. Enforcement.

This law shall be enforced by the Commissioner of the Department of Health Services.

Section 7. Rules and Regulations.

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

Section 8. Applicability.

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

Section 9. 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 10. 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 11. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: