

STRICKEN AS OF 3/13/2013

Intro. Res. No. 1929-2012
Introduced by Legislator Hahn

Laid on Table 9/13/2012

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A LOCAL LAW TO STRENGTHEN
REQUIREMENTS FOR SAFE DISPOSAL OF EXPIRED AND
UNUSED MEDICATIONS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 13, 2012, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN REQUIREMENTS FOR SAFE DISPOSAL OF EXPIRED AND UNUSED MEDICATIONS**"; now, therefore be it

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN REQUIREMENTS FOR
SAFE DISPOSAL OF EXPIRED UNUSED MEDICATIONS**

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 Local Law No. 18-2011 requires hospitals, nursing homes, hospices and long-term care facilities located in Suffolk County to file with the Department of Health Services a written plan for the safe disposal of unused and/or expired medications. Under the law, these facilities were required to file their 2012 plan by June 30th and, beginning in 2013, these facilities are required to file their plan with the Department of Health Services by January 30th.

This Legislature also finds that hospitals, nursing homes, hospices and long-term care facilities have been slow to comply with Local Law No. 18-2011, even though the deadline for compliance was extended by the enactment of Local Law No. 21-2012.

This Legislature determines that the penalties under this law should be increased to encourage hospitals, nursing homes, hospices and long-term care facilities to fully comply with the law's requirements.

Therefore, the purpose of this law is to increase the penalties for violations of the County's medication disposal law to encourage hospitals, nursing homes, hospices and long-term care facilities to develop their plans for the safe disposal of unused medications.

Section 2 Amendments.

Chapter 627 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 627. NURSING HOMES AND HEALTH-CARE FACILITIES

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Article II. Disposal of Expired and Unused Medications

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§627-10. Disposal plan required.

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B. In 2012, each facility shall file its written medication disposal plan with the Suffolk County Department of Health Services on or before June 30. Beginning in 2013, each facility shall file its written medication disposal plan with the Department of Health Services by January 30 each year. The Department of Health Services shall not extend or waive the deadlines set forth herein unless authorized by a duly enacted resolution of the County of Suffolk.

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§ 627-11. Penalties for offenses.

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 \$[500] \$1,000 for each month that a plan is not timely submitted.

Section 3. Applicability.

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

Section 4. 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 5. 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 6. Effective Date.

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

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: