



Legislation Details (With Text)

File #: Int 0278-2002 **Version:** A **Name:** Pharmacies to post signs regarding the sale of emergency contraception.

Type: Introduction **Status:** Enacted
In control: Committee on Health

On agenda: 10/9/2002

Enactment date: 4/9/2003 **Enactment #:** 2003/025

Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring pharmacies to post signs regarding the sale of emergency contraception, and penalties regarding posting of notices in pharmacies.

Sponsors: Eric N. Gioia, Christine C. Quinn, Eva S. Moskowitz, Gifford Miller, Tracy L. Boyland, Yvette D. Clarke, Diana Reyna, Maria Baez, James E. Davis, Alan J. Gerson, Robert Jackson, G. Oliver Koppell, Margarita Lopez, Michael C. Nelson, Domenic M. Recchia, Jr., James Sanders, Jr., Kendall Stewart, David I. Weprin, Bill De Blasio, Gale A. Brewer, David Yassky, Melinda R. Katz, Helen Sears, Betsy Gotbaum

Indexes:

Attachments: 1. Committee Report 12/16/02, 2. Hearing Transcript 12/16/02, 3. Committee Report 2/24/03, 4. Hearing Transcript 2/24/03, 5. Committee Report 4/9/03, 6. Hearing Transcript 4/9/03, 7. Fiscal Impact Statement, 8. Local Law, 9. Hearing Transcript - Stated Meeting - 2/26, 10. Hearing Transcript - Stated Meeting 4/9/03

Date	Ver.	Action By	Action	Result
10/9/2002	*	City Council	Introduced by Council	
10/9/2002	*	City Council	Referred to Comm by Council	
12/16/2002	*	Committee on Health	Laid Over by Committee	
12/16/2002	*	Committee on Health	Hearing Held by Committee	
2/24/2003	*	Committee on Health	Hearing Held by Committee	
2/24/2003	*	Committee on Health	Amendment Proposed by Comm	
2/24/2003	A	Committee on Health	Approved by Committee	Pass
2/24/2003	*	Committee on Health	Amended by Committee	
2/26/2003	A	City Council	Approved by Council	Pass
2/26/2003	A	City Council	Sent to Mayor by Council	
3/21/2003	A	Mayor	Vetoed by Mayor	
3/21/2003	A	City Council	Recved from Mayor by Council	
4/9/2003	A	Committee on Health	Hearing Held by Committee	
4/9/2003	A	Committee on Health	Approved by Committee	Pass
4/9/2003	A	City Council	Overridden by Council	Pass

Proposed Int. No. 278-A

By Council Members Gioia, Quinn, Moskowitz, The Speaker (Mr. Miller), Boyland, Clarke, Reyna, Baez, Davis, Gerson, Jackson, Koppell, Lopez, Nelson, Recchia, Sanders, Stewart, Weprin,

DeBlasio, Brewer, Yassky, Katz, The Public Advocate (Ms. Gotbaum) and Sears

A Local Law to amend the administrative code of the city of New York, in relation to requiring pharmacies to post signs regarding the sale of emergency contraception, and penalties regarding posting of notices in pharmacies.

Be it enacted by the Council as follows:

Section 1. The title of subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York is amended to read as follows:

POSTING OF PRESCRIPTION DRUG PRICES AND NOTICES.

§2. Section 20-712 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

(d) “Emergency contraception” means one or more prescription drugs, used separately or in combination, to be administered to or self-administered by the patient in a dosage and manner for preventing pregnancy when used after intercourse, found safe and effective for that use by the United States food and drug administration, and dispensed for that purpose in accordance with professional standards of practice.

§3. Subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-713.1 to read as follows:

§20-713.1 Display of information relating to emergency contraception. Any pharmacy that does not sell emergency contraception must conspicuously post, at or adjacent to each counter over which prescription drugs are sold, indicating in large type that emergency contraception is not sold at such pharmacy.

§4. Section 20-715 of the administrative code of the city of New York is amended to read as follows:

§20-715 Penalties. Any person who shall violate the provisions of section 20-713, section 20-713.1, or regulations promulgated pursuant to this subchapter shall pay a civil penalty of [twenty-five] not less than two hundred fifty dollars nor more than five hundred dollars for the first offense and for

each succeeding offense a penalty of not less than [twenty-five] five hundred dollars nor more than [two] seven hundred fifty dollars for each such violation and shall, upon conviction thereof, be punished by a fine of [twenty-five] not less than two hundred fifty dollars nor more than five hundred dollars for the first offense and for each succeeding offense a fine of not less than [twenty-five] five hundred dollars nor more than [two] seven hundred fifty dollars for each such violation. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with section 20.713 or regulations promulgated pursuant to this subchapter, or the required signage is not displayed in accordance with section 20.713.1 or regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§5. Severability. If any subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§6. Effective date. This local law shall take effect 60 days after its enactment.

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2/18/2003 10:19 AM -JM