Legislation Details (With Text)

File #:	Int 0541-2011	**Version:**	A	**Name:**	Prohibiting the sale of expired over-the-counter medication.
Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Consumer Affairs
On agenda:	4/6/2011				
Enactment date:	8/30/2011			**Enactment #:**	2011/053

Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of expired over-the-counter medication.

Sponsors: Ruben Wills, Charles Barron, Fernando Cabrera, Inez E. Dickens, Lewis A. Fidler, Vincent J. Gentile, G. Oliver Koppell, Karen Koslowitz, Darlene Mealy, Larry B. Seabrook, Jumaane D. Williams, James Sanders, Jr., James Vacca, Leroy G. Comrie, Jr., Stephen T. Levin, Robert Jackson, Daniel Dromm, Letitia James, James F. Gennaro, James G. Van Bramer, Michael C. Nelson, Elizabeth S. Crowley, Mark S. Weprin, Mathieu Eugene, Margaret S. Chin, Brad S. Lander, Peter F. Vallone, Jr.

Indexes:

Attachments: 1. Int. No. 541 - 4/6/11, 2. Proposed Int. No. 541-A - 6/13/11, 3. Committee Report 6/13/11, 4. Hearing Testimony 6/13/11, 5. Hearing Transcript 6/13/11, 6. Committee Report 8/16/11, 7. Hearing Transcript 8/16/11, 8. Fiscal Impact Statement, 9. Hearing Transcript - Stated Meeting 8-17-11, 10. Local Law 53, 11. Mayor's Letter

Date	Ver.	Action By	Action	Result
4/6/2011	*	City Council	Introduced by Council	
4/6/2011	*	City Council	Referred to Comm by Council	
6/13/2011	*	Committee on Consumer Affairs	Hearing Held by Committee	
6/13/2011	*	Committee on Consumer Affairs	Amendment Proposed by Comm	
6/13/2011	*	Committee on Consumer Affairs	Laid Over by Committee	
8/16/2011	*	Committee on Consumer Affairs	Hearing Held by Committee	
8/16/2011	*	Committee on Consumer Affairs	Amendment Proposed by Comm	
8/16/2011	*	Committee on Consumer Affairs	Amended by Committee	
8/16/2011	A	Committee on Consumer Affairs	Approved by Committee	Pass
8/17/2011	A	City Council	Approved by Council	Pass
8/17/2011	A	City Council	Sent to Mayor by Council	
8/30/2011	A	Mayor	Hearing Held by Mayor	
8/30/2011	A	Mayor	Signed Into Law by Mayor	
8/30/2011	A	City Council	Recved from Mayor by Council	

Int. No. 541-A

By Council Members Wills, Barron, Cabrera, Dickens, Fidler, Gentile, Koppell, Koslowitz, Mealy, Seabrook, Williams, Sanders Jr., Vacca, Comrie, Levin, Jackson, Dromm, James, Gennaro, Van Bramer, Nelson, Crowley, Weprin, Eugene, Chin, Lander and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of expired over-the-counter medication.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 18 to read as follows:

SUBCHAPTER 18
PROHIBITION ON THE SALE OF EXPIRED OVER-THE-COUNTER MEDICATION

§ 20-821 Definitions.
§ 20-822 Prohibited Conduct and Violations.
§ 20-823 Enforcement.

§ 20-821 Definitions. For purposes of this subchapter, the following definitions shall apply:

a. "Over-the-counter medication" means a drug, as defined by section 71.03(b) of the New York city health code, which does not require a prescription.

b. "Person" means any natural person, firm, partnership, joint venture, corporation or association.

§ 20-822 Prohibited conduct and violations.

a. It shall be unlawful to sell or offer for sale, any over-the-counter medication, later than the date, if any, marked upon the label as indicative of the date beyond which the contents cannot be expected to be safe and effective.

b. Violations. A person violating section 20-822 of this subchapter shall be guilty of a violation punishable by a fine not to exceed two hundred and fifty dollars for the first violation and a fine not to exceed five hundred dollars for any subsequent violation. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for the first violation and of not less than two hundred and fifty dollars nor more than five hundred dollars for each subsequent violation. For purposes of this subdivision, each group of identical over-the-counter medication subject to this subchapter marked with the same date shall constitute a single violation. However, where the expired over-the-counter medication is sold to a person, each sale shall constitute a separate violation under this section. Penalties shall be enforced in accordance with subdivision g of section

twenty-two hundred and three of the charter of the city of New York.

§ 20-823 Enforcement. The department, the police department, and other agencies designated by the commissioner are authorized to enforce the provisions of this subchapter.

§ 2. This local law shall take effect ninety days after the date of its enactment.

LCC/JM/RC
LS # 1904
8/9/11

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