



Legislation Text

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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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