



Legislation Text

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Int. No. 1060

By Council Members Lee, Powers, Louis and Stevens

A Local Law to amend the administrative code of the city of New York, in relation to the sale of tianeptine

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

SUBCHAPTER 15

TIANEPTINE

§20-699.12 Sale of tianeptine. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Medical professional. The term “medical professional” means a physician, physician assistant, nurse practitioner or other individual licensed or certified pursuant to title 8 of the education law.

Person. The term “person” means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization.

Pharmacy. The term “pharmacy” has the same meaning as set forth in subdivision 1 of section 6802 of the education law.

Retail store. The term “retail store” means any place that, in the regular course of business, sells or rents goods directly to the public.

Stock keeping unit. The term “stock keeping unit” means each group of items offered for sale of the same product, brand name, quantity of contents, and retail price.

Tianeptine. The term “tianeptine” means the chemical compound tianeptine sodium, marketed under commercial names including, but not limited to: Tianeptine Sulfate; Tianeptine Sodium Powder; Tianaa; Tianna Green; Tianna Red; Tianna White; Coaxil; Salymbra; Stablon; Tatinol; Tianeptine; Tynept; Zaza Red; Zaza White; Zaza Silver; and Zinosal.

b. Sale of tianeptine. No person shall distribute, sell, or offer for sale tianeptine in the city of New York except as provided by subdivision c of this section.

c. Exception. Nothing in this section shall be construed to prohibit the dispensation of tianeptine by a medical professional through a pharmacy or through any retail store that contains a pharmacy.

d. Penalty. Any person who violates subdivision b of this section shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the second violation at the same place of business within a three-year period, and not more than two thousand dollars for each additional violation found on that day; and not more than five thousand dollars for the third and all subsequent violations at the same place of business within a three-year period. Each failure to comply with subdivision b of this section with respect to any one stock keeping unit constitutes a separate violation.

§2. This local law takes effect 180 days after it becomes law.

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