

COUNTY OF ERIE
LOCAL LAW NO. ____-2016
LOCAL LAW INTRO NO. 14-12016

Pharmaceutical Water Pollution Act

Be enacted by the Legislature of the County of Erie as follows:

Section 1: LEGISLATIVE INTENT

Recent studies across the nation have found trace amounts of prescription medication in drinking water due to the inadequate disposal of said medications. This Legislature has established its commitment to protecting our water supply; as well as the responsibility of protecting the Great Lakes. Negative effects of medication entering our water supply have been observed in wildlife, and the concern of their effect on humans is duly noted and poses a concern to this Legislature. The intent of this legislation is to ensure that facilities in Erie County that utilize large quantities of medications in providing health care are appropriately disposing of unused and/or expired medications.

Section 2: DEFINITIONS

- a) Medications are defined by any substance used to treat disease or prevent pain.
- b) Facilities are defined as hospitals, nursing homes, hospice care facilities, and long-term care facilities operating in Erie County.

Section 3: DISPOSAL PLAN REQUIRED

- a) All hospitals, hospice facilities, nursing homes, and long-term care facilities located in the County of Erie shall file with the county Department of Health a written plan for the safe disposal of unused and/or expired medications. Such plan must establish the means by which the facility will dispose of such medications in an environmentally safe manner to prevent medications from entering the County's drinking water supply and rivers, ponds, streams, the Erie Canal, and the Great Lakes.
- b) Beginning in 2017, each facility shall file its written medication disposal plan with the Department of Health by January 30 of each year.

Section 4: PENALTIES FOR OFFENSES

Failure to file a written medication disposal plan with the county Department of Health shall constitute a violation and shall be punishable by a civil fine of \$500.

Section 5: ENFORCEMENT

- a) The County Department of Health will have the power to enforce this law.

- b) The County Department of Health shall notify to the best of their abilities facilities operating in Erie County that this law affects.

Section 6: EFFECTIVE DATE

This local law shall become effective upon filing with the Secretary of State.

Section 7: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local 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 of 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 Local Law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

SPONSOR: Legislator Patrick B. Burke