

Pursuant to the authority vested in the Commissioner by Public Health Law Section 3308, section 80.137 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective upon publication of a Notice of Adoption in the New York State Register.

Section 80.137 is amended as follows:

80.137 Expanded syringe access [demonstration] program.

(a) Definitions.

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(b) Registration.

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(4) The registration form must include, at a minimum, the following information:

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(ii) the name, address, telephone and electronic mail address, if available, of the individual designated by the authorized provider to have administrative responsibility for the provider's participation in the expanded syringe access [demonstration] program;

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NOTICE OF CONSENSUS RULEMAKING

Statutory Authority:

Public Health Law Section 3308 authorizes the commissioner “to make any rules, regulations and determinations which in his judgment may be necessary or proper to supplement the provisions of this article to effectuate the purposes and intent thereof or to clarify its provisions so as to provide the procedure or details to secure effective and proper enforcement of its provisions.” Public Health Law Section 3381(4) authorizes the commissioner to “designate persons, or by regulation, classes of persons who may obtain hypodermic syringes and hypodermic needles without prescription and the manner in which such transactions may take place and the records thereof which shall be maintained.”

Basis:

The proposed regulatory change is non-substantive and non-controversial. It eliminates the word “demonstration” in the title of the regulation as well as in one of its subdivisions. The word “demonstration” was initially included in the regulation solely because the program to which it pertained in Public Health Law Section 3381 was intended by the legislature to remain in effect only until September 1, 2011 pending an evaluation, the nature of which was incorporated in the Public Health Law. (Part G of Chapter 56 of the Laws of 2000, as amended by Part B of Chapter 58 of the Laws of 2007). The evaluation has long since been completed and submitted to the governor and legislature, and the Public Health Law provision no longer contains a sunset provision. (Section 57-a of Part B of Chapter 58 of the Laws of 2009).

JOB IMPACT STATEMENT

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent from the nature of the proposed amendment that it will not have a substantial adverse impact on jobs and employment opportunities.