

**RESOLUTION NO. 416 -2020, ADOPTING LOCAL LAW  
NO. 18 -2020, A LOCAL LAW TO REQUIRE ANY STORE WITH  
A PHARMACY TO POST NOTICES ABOUT ASTHMA  
INHALERS IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 17, 2020, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE ANY STORE WITH A PHARMACY TO POST NOTICES ABOUT ASTHMA INHALERS IN SUFFOLK COUNTY**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 18 -2020, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REQUIRE ANY STORE WITH A  
PHARMACY TO POST NOTICES ABOUT ASTHMA INHALERS  
IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Suffolk County is dedicated to protecting the health of its residents.

This Legislature also finds and determines that asthma is a chronic disease affecting more than 24 million Americans. Each year, asthma accounts for more than 439,000 hospitalizations and 1.6 million emergency department visits. The estimated cost of treating asthma in the United States is approximately \$62.8 billion every year.

This Legislature also finds that 50% of adults with asthma and 40% of children with asthma do not have control of this disease. However, by taking appropriate medicine, avoiding triggers and participating in asthma education services, these patients can experience better control of their asthma.

There are several types of asthma inhalers that are available to consumers. When inhalers are used incorrectly or accidentally interchanged, there can be severe medical consequences for the patient.

This Legislature finds that pharmacists play a critical role in promoting medication adherence and providing asthma self-management education to patients with asthma. Many studies have shown that asthma self-management education provided by community pharmacists can improve asthma control and medication adherence while reducing emergency department visits, hospitalizations and missed work or school days.

This Legislature further finds that it is critically important to educate the residents of Suffolk County on the differences between asthma inhalers in order to decrease the number of asthma-related emergency room visits and deaths.

This Legislature also determines that in order to better educate the public on the differences between asthma inhalers, all stores with a pharmacy in Suffolk County should post signs that provide patients with necessary information on the proper use of these drugs.

Therefore, the purpose of this law is to require stores containing a pharmacy in Suffolk County to post signs explaining the differences between different types of asthma inhalers.

## **Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

DEPARTMENT – the Suffolk County Department of Health Services.

INHALER – a medical device used by asthmatic individuals to deliver medication to the body via the lungs.

PHARMACY – as defined in the NEW YORK EDUCATION LAW § 6802.

STORE – a retail outlet where goods are available for purchase.

## **Section 3. Requirements.**

- A. Every store that contains a pharmacy in Suffolk County must prominently display a sign meeting the requirements set forth in this law within eight (8) feet of the pharmacy portion of the store, either on the wall or displayed on the pharmacy counter.
- B. The sign required under this law must:
  - 1. be written in bold lettering on a contrasting background on a sign no less than 8.5” by 11”;
  - 2. be posted in English, Spanish and Haitian Creole; and
  - 3. be protected from tampering, damage, removal or concealment.

## **Section 4. Signage.**

- A. The Suffolk County Department of Health Services is hereby authorized, empowered, and directed to collaborate with the American Lung Association to create the language which will be displayed on the signs established pursuant to this law. The signs must include language which specifically differentiates the proper use of inhalers. The Department of Health Services shall submit the language and design of said signs to the County Legislature for approval via resolution within six (6) months of the effective date of this law.

- B. The Department shall annually update the language on the signs to accurately reflect the asthma inhalers available to consumers in a given year. Within thirty (30) days of updating said language, the Department shall provide the Health Committee of the County Legislature with a written statement detailing any changes or additions that were made.
- C. The Department shall develop a web page and shall provide access to PDF versions of the approved signs online. The Department shall provide PDF files of the approved signs that conform to this law in each language set forth in Section 3 to stores that contain a pharmacy upon written request.

**Section 5. Enforcement.**

This law shall be enforced by the Department of Health Services.

**Section 6. Rules and Regulations.**

The Commissioner of the Department of Health Services is hereby authorized, empowered, and directed to promulgate such rules and regulations as he or she deems necessary to implement this law.

**Section 7. Penalties for Offenses.**

- A. Violation of this law shall be punishable by a civil penalty of \$50 for an initial offense and \$250 for any second or subsequent offense. Each calendar day where signage is not posted shall be considered a separate and distinct offense.
- B. No penalty shall be imposed under this law until after a hearing has been held by the Commissioner of Health Services, or his or her designee, upon at least seven (7) business days' notice to the store where the pharmacy is located. Such notice shall be served receipt requested, to the address of the store where the pharmacy is located and shall state the date, time and place of the hearing as well as enumerate the alleged violation.

**Section 8. Applicability.**

- A. This law shall apply to all actions occurring on or after the effective date of this law.
- B. The Department shall distribute the PDF signs and establish the web page required for compliance with this law within sixty (60) days of the language and design of the signs being approved by the County Legislature pursuant to Section 4 of this law.
- C. Stores that contain a pharmacy shall comply with the posting provisions established pursuant to Section 3 of this law commencing ninety (90) days after the sign being initially approved by the County Legislature pursuant to Section 4 of this law.

**Section 9. Severability.**

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

**Section 10. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 11. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: June 9, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: June 23, 2020

After a public hearing duly held on June 22, 2020  
Filed with the Secretary of State on July 15, 2020