

**10 NYCRR Title: Section 80.133 - Hypodermic
syringes and needles; certificate of need**

Effective Date:

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80.133 Hypodermic syringes and needles; certificate of need. (a) The following are authorized to possess hypodermic syringes and hypodermic needles, provided they file with the commissioner a certificate of need and obtain a written authorization from the commissioner to possess and use such hypodermic syringes and needles:

(1) educational institutions, which also must comply with section 811 of the Education Law and file a separate certificate of need with the Commissioner of Education; and

(2) persons engaged in commercial, industrial or agricultural activities.

(b) The certificate of need shall set forth the names of individuals authorized by the educational institution or commercial or industrial firms to have custody of the hypodermic syringes and needles to be used in connection with their activities and the names of individuals designated as responsible for supervision of the use of such hypodermic syringes and needles.

(c) Any administrative officer of the institution or firm filing a certificate of need may be designated as responsible for the custody of hypodermic syringes and needles used on their premises. It shall be the duty of the designated custodial administrative officer to provide for safeguards and maintenance of records of receipt and disposition of all hypodermic syringes and needles acquired or possessed by the institution or firm.

(d) The head of any department, laboratory or division of an educational institution or commercial, agricultural or industrial firm filing a certificate of need may be designated as the person responsible for supervising the use of hypodermic syringes and needles used within the institution or firm. It shall be the responsibility of such designated person to supervise the use of hypodermic syringes and needles by students or other members of such institutions or firms and to keep and maintain records of all hypodermic syringes and needles used under his supervision.

(e) Any change in designated custodial or supervisory personnel shall be reported within 30 days to the department.

(f) Location of use. The location of authorized use of hypodermic syringes and needles includes any classroom, laboratory, lecture hall, department or division, designated by the institution or the firm in its certificate of need on file with the department. Any change in designated location of use shall be reported within 30 days to the department.

(g) Storage. (1) Hypodermic syringes and needles shall be stored in a locked secure place. In no instance shall spring or combination dial locks be employed.

(2) Reserve or main stock shall be kept in double cabinets under locked protection of suitable locks and keys. Both cabinets, inner and outer, shall be stationary.

(3) Hypodermic syringes and needles not in reserve, not in main stocks, and not in use, shall be kept under suitable locked protection.

(h) Records. (1) A record of all purchases of hypodermic syringes and needles shall be maintained.

(2) Main storage records shall include a running inventory of all hypodermic syringes and needles indicating type, size and number of each item purchased, distribution made, balance on hand, and date of receipt or disposition.

(3) An annual physical inventory shall be taken each June 30th and entered in the running inventory record.

(4) A record of all hypodermic syringes and needles destroyed shall be kept, indicating the type, size, and number of each item destroyed, the date of destruction, and the person by whom destroyed. The records shall be kept for a period of two years from the date of the transaction. Every such record shall list hypodermic syringes and needles lost or stolen, indicating kind and number and the date of discovery of such loss or theft. A report of such loss or theft, and other pertinent related facts, shall be made immediately upon discovery to the department.

(i) Destruction of hypodermic syringes and needles. (1) All hypodermic syringes and needles which are no longer usable or required shall be destroyed as follows:

(i) Disposable hypodermic units shall have the needle detached from the syringe prior to disposal.

(ii) Hypodermic syringes shall be crushed, broken or otherwise rendered inoperable.

(iii) Hypodermic needles shall be bent prior to disposal.

(j) Inspection. All records and stocks of hypodermic syringes and needles maintained by educational institutions or commercial or industrial firms shall be readily available and promptly produced for inspection by authorized representatives of the State Commissioner of Health.