



CHAIRMAN'S MEMORANDUM

NO. 6-2007

June 27, 2007

TO: SHERIFFS, COMMISSIONERS OF CORRECTION, CHIEF ADMINISTRATIVE OFFICERS

RE: Possession of Medication by Inmates

As I am sure you are aware, 9 NYCRR §7010.3(a) provides that “under no circumstances shall a supply of medicine or medication be issued to or be allowed to be in the possession of an inmate.” Although subdivision (b) of this section allows individual jurisdictions to apply for a waiver to allow for the inmate possession of certain medication, the Commission has recognized that this section of the *Minimum Standards* may prove problematic with regard to emergent medications such as asthma inhalers and nitroglycerine.

For this reason, it is the Commission’s intention to amend section 7010.3 to require any inmate prescribed either nitroglycerine or an asthma or other respiratory inhalant to be issued and allowed to keep on his person a sufficient quantity of such medicine or medication. In order to preserve public health, this amendment was recently submitted to the New York Department of State as a *Notice of Emergency Adoption and Proposed Rule Making*, meaning the rule was effective as of the date of its submission, June 19, 2007. Upon the amendment’s publication in the *New York State Register*, the Commission will accept public comment for a period of 45 days before the consideration of final adoption.

For your records, attached please find a copy of 9 NYCRR §7010.3(a) as currently amended and effective. Should you have any questions relative to the requirements of this amendment, please feel free to contact the Commission’s Forensic Medical Unit at (518) 485-2346.

Daniel L. Stewart, Chairman

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Frederick C. Lamy, Commissioner
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