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I N   S E N A T E

March 16, 2012

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Introduced by Sens. HANNON, GOLDEN, LARKIN, LAVALLE, LITTLE, MARTINS, MAZIARZ, McDONALD, RANZENHOFER, RITCHIE, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the theft and unlawful possession of a blank official New York state prescription form

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 9, 10 and 11 of section 155.30 of the penal  
2     law, subdivision 9 as amended by chapter 479 of the laws of 2010, subdi-  
3     vision 10 as added by chapter 491 of the laws of 1992 and subdivision 11  
4     as added by chapter 394 of the laws of 2005, are amended and a new  
5     subdivision 12 is added to read as follows:  
6     9. The property consists of a scroll, religious vestment, a vessel, an  
7     item comprising a display of religious symbols which forms a represen-  
8     tative expression of faith, or other miscellaneous item of property  
9     which:  
10    (a) has a value of at least one hundred dollars; and  
11    (b) is kept for or used in connection with religious worship in any  
12    building, structure or upon the curtilage of such building or structure  
13    used as a place of religious worship by a religious corporation, as  
14    incorporated under the religious corporations law or the education  
15    law[.]; OR  
16    10. The property consists of an access device which the person intends  
17    to use unlawfully to obtain telephone service[.]; OR  
18    11. The property consists of anhydrous ammonia or liquified ammonia  
19    gas and the actor intends to use, or knows another person intends to  
20    use, such anhydrous ammonia or liquified ammonia gas to manufacture  
21    methamphetamine[.]; OR  
22    12. THE PROPERTY CONSISTS OF A BLANK OFFICIAL NEW YORK STATE  
23    PRESCRIPTION FORM, AS SET FORTH IN SECTION TWENTY-ONE OF THE PUBLIC  
24    HEALTH LAW.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 S 2. Subdivisions 6 and 7 of section 165.45 of the penal law, subdivi-  
2 sion 6 as added by chapter 450 of the laws of 1990 and subdivision 7 as  
3 added by chapter 394 of the laws of 2005, are amended and a new subdivi-  
4 sion 8 is added to read as follows:

5 6. The property consists of a scroll, religious vestment, vessel or  
6 other item of property having a value of at least one hundred dollars  
7 kept for or used in connection with religious worship in any building or  
8 structure used as a place of religious worship by a religious corpo-  
9 ration, as incorporated under the religious corporations law or the  
10 education law[.]; OR

11 7. The property consists of anhydrous ammonia or liquified ammonia gas  
12 and the actor intends to use, or knows another person intends to use,  
13 such anhydrous ammonia or liquified ammonia gas to manufacture meth-  
14 amphetamine[.]; OR

15 8. THE PROPERTY CONSISTS OF A BLANK OFFICIAL NEW YORK STATE  
16 PRESCRIPTION FORM, AS SET FORTH IN SECTION TWENTY-ONE OF THE PUBLIC  
17 HEALTH LAW.

18 S 3. The penal law is amended by adding a new section 220.67 to read  
19 as follows:

20 S 220.67 CRIMINAL POSSESSION OF A PRESCRIPTION FORM.

21 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A PRESCRIPTION FORM WHEN  
22 SUCH PERSON KNOWINGLY POSSESSES A BLANK OFFICIAL NEW YORK STATE  
23 PRESCRIPTION FORM, AS SET FORTH IN SECTION TWENTY-ONE OF THE PUBLIC  
24 HEALTH LAW, UNLESS:

25 (A) SUCH PERSON IS LEGALLY AUTHORIZED, ACCORDING TO THE LAWS AND REGU-  
26 LATIONS OF NEW YORK STATE, TO POSSESS SUCH PRESCRIPTION FORM; OR

27 (B) SUCH PERSON IS AN EMPLOYEE OF A PERSON LEGALLY AUTHORIZED TO  
28 POSSESS SUCH PRESCRIPTION FORM, ACCORDING TO THE LAWS AND REGULATIONS OF  
29 NEW YORK STATE, AND POSSESSES SUCH PRESCRIPTION FORM DURING THE COURSE  
30 AND SCOPE OF SUCH PERSON'S EMPLOYMENT.

31 CRIMINAL POSSESSION OF A PRESCRIPTION FORM IS A CLASS A MISDEMEANOR.

32 S 4. This act shall take effect on the first of November next succeed-  
33 ing the date upon which it shall have become a law.