S T A T E O F N E W Y O R K

5880--A

Cal. No. 35

2011-2012 Regular Sessions

I N S E N A T E

September 9, 2011

Introduced by Sens. HANNON, MARCELLINO, KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to designating tramadol as a schedule III narcotic drug and certain requirements imposed upon distributors, relating to certain compounds containing hydrocodone; and to repeal paragraphs 3 and 4 of subdivision (e) of schedule III of section 3306 of such law relating to the designation of hydrocodone as a schedule III narcotic drug

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

Section 1. Paragraphs 3 and 4 of subdivision (e) of schedule III of section 3306 of the public health law are REPEALED and a new paragraph 10 is added to read as follows:

(10) TRAMADOL IN ANY QUANTITIES.

S 2. The public health law is amended by adding a new section 3317 to read as follows:

S 3317. REQUIREMENTS FOR CERTAIN COMPOUNDS CONTAINING HYDROCODONE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DISTRIBUTOR LICENSED AND REGULATED BY THE DEPARTMENT PURSUANT TO THIS TITLE, REGULATED BY THE STATE BOARD OF PHARMACY PURSUANT TO ARTICLE ONE HUNDRED THIRTY-SEVEN OF THE EDUCATION LAW, AND REGISTERED AND REGULATED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, SHALL BE EXEMPT FROM THE STORAGE, REPORTING, ORDERING, RECORD KEEPING AND PHYSICAL SECURITY CONTROL REQUIREMENTS FOR SCHEDULE II CONTROLLED SUBSTANCES WITH REGARD TO ANY MATERIAL, COMPOUND, MIXTURE OR PREPARATION CONTAINING NOT MORE THAN THREE HUNDRED MILLIGRAMS OF DIHYDROCODEINONE (HYDROCODONE) PER ONE HUNDRED MILLILITERS OR NOT MORE THAN FIFTEEN MILLIGRAMS PER DOSAGE UNIT,

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

LBD13421-05-2

WITH (A) A FOURFOLD OR GREATER QUANTITY OF AN ISOQUINOLINE ALKALOID OF OPIUM, OR (B) ONE OR MORE ACTIVE NON-NARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS; OR THEIR SALTS CALCULATED AS THE FREE ANHYDROUS BASE OR ALKALOID. SUCH CONTROLLED SUBSTANCES SHALL BE SUBJECT TO THE SAME SUCH REQUIREMENTS AS THOSE IMPOSED FOR SCHEDULE III NARCOTIC DRUGS.

S 3. This act shall take effect immediately.