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

974

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GOTTFRIED, PAULIN, J. RIVERA, MILLMAN, ESPAILLAT, COOK, ALFANO -- Multi-Sponsored by -- M. of A. BARRA, BOYLAND, DINOWITZ, GLICK, JEFFRIES, KELLNER, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to residual amounts of a controlled substance

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

Section 1. The penal law is amended by adding a new section 220.30 to read as follows:

S 220.30 CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE; EXEMPTION.

A PERSON SHALL NOT BE GUILTY OF CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE WHERE HE OR SHE POSSESSES A RESIDUAL AMOUNT OF A CONTROLLED SUBSTANCE WHEN THAT RESIDUAL AMOUNT IS IN A HYPODERMIC SYRINGE OR HYPODERMIC NEEDLE POSSESSED PURSUANT TO SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED EIGHTY-ONE OF THE PUBLIC HEALTH LAW AND OBTAINED BY SUCH PERSON PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED EIGHTY-ONE OF THE PUBLIC HEALTH LAW OR FROM A PHARMACY, HEALTH CARE FACILITY OR HEALTH CARE PRACTITIONER PURSUANT TO PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THIRTY-THREE HUNDRED EIGHTY-ONE OF THE PUBLIC HEALTH LAW.

S 2. This act shall take effect immediately.

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

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