

10742

I N A S S E M B L Y

June 18, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cusick) --
read once and referred to the Committee on Codes

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

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

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

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

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

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

16 S 220.67 CRIMINAL POSSESSION OF A PRESCRIPTION FORM.

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

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

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

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

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