

6066

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sens. HANNON, SALAND, DeFRANCISCO, FUSCHILLO, GALLIVAN, JOHNSON, LAVALLE, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the class B felony of criminal sale of a controlled substance by a practitioner or pharmacist

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

1 Section 1. The penal law is amended by adding a new section 220.66 to
2 read as follows:
3 S 220.66 CRIMINAL SALE OF A CONTROLLED SUBSTANCE BY A PRACTITIONER OR
4 PHARMACIST.
5 A PERSON IS GUILTY OF CRIMINAL SALE OF A CONTROLLED SUBSTANCE BY A
6 PRACTITIONER OR PHARMACIST WHEN, BEING A PRACTITIONER OR PHARMACIST, AS
7 THOSE TERMS ARE DEFINED IN SECTION THIRTY-THREE HUNDRED TWO OF THE
8 PUBLIC HEALTH LAW, OR A PHARMACY INTERN ACTING IN CONFORMITY WITH THE
9 PROVISIONS OF SECTION SIXTY-EIGHT HUNDRED SIX OF THE EDUCATION LAW AND
10 ANY REGULATIONS ADOPTED PURSUANT THERETO IN A REGISTERED PHARMACY, HE OR
11 SHE KNOWINGLY AND UNLAWFULLY SELLS A CONTROLLED SUBSTANCE. FOR THE
12 PURPOSES OF THIS SECTION, A PERSON SELLS A CONTROLLED SUBSTANCE UNLAW-
13 FULLY WHEN HE OR SHE DOES SO OTHER THAN IN GOOD FAITH IN THE COURSE OF
14 HIS OR HER PROFESSIONAL PRACTICE.
15 CRIMINAL SALE OF A CONTROLLED SUBSTANCE BY A PRACTITIONER OR PHARMA-
16 CIST IS A CLASS B FELONY.
17 S 2. This act shall take effect on the first of November next succeed-
18 ing the date on which it shall have become a law.

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

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