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

6743--A

I N S E N A T E

March 16, 2012

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:

Section 1. Subdivisions 9, 10 and 11 of section 155.30 of the penal law, subdivision 9 as amended by chapter 479 of the laws of 2010, subdivision 10 as added by chapter 491 of the laws of 1992 and subdivision 11 as added by chapter 394 of the laws of 2005, are amended and a new subdivision 12 is added to read as follows:

9. The property consists of a scroll, religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith, or other miscellaneous item of property which:

(a) has a value of at least one hundred dollars; and

(b) is kept for or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law[.]; OR

10. The property consists of an access device which the person intends to use unlawfully to obtain telephone service[.]; OR

11. The property consists of anhydrous ammonia or liquified ammonia gas and the actor intends to use, or knows another person intends to use, such anhydrous ammonia or liquified ammonia gas to manufacture methamphetamine[.]; OR

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

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

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

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

7. The property consists of anhydrous ammonia or liquified ammonia gas and the actor intends to use, or knows another person intends to use, such anhydrous ammonia or liquified ammonia gas to manufacture methamphetamine[.]; OR

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

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

S 220.67 CRIMINAL POSSESSION OF A PRESCRIPTION FORM.

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

(A) SUCH PERSON IS LEGALLY AUTHORIZED, ACCORDING TO THE LAWS AND REGULATIONS OF NEW YORK STATE, TO POSSESS SUCH PRESCRIPTION FORM; OR

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

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

S 4. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.