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

7731

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. BRAUNSTEIN -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to prohibiting the sale or distribution of MDPV and certain similar products

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

Section 1. The general business law is amended by adding a new section 391-r to read as follows:

S 391-R. SALE OR DISTRIBUTION OF MDPV. 1. FOR THE PURPOSES OF THIS SECTION, "MDPV" SHALL INCLUDE ANY OF THE FOLLOWING CHEMICAL COMPOUNDS:

(A) 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE);

(B) 3,4-METHYLENEDIOXYPYROVALERONE (MDPV);

(C) 4-METHYLMETHCATHINONE (MEPHEDRONE);

(D) 4-METHOXYMETHCATHINONE;

(E) 4-FLUOROMETHCATHINONE; OR

(F) 3-FLUOROMETHCATHINONE.

2. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE AWAY, AS EITHER A RETAIL OR WHOLESALE PROMOTION, ANY PRODUCT, WHICH CONTAINS MDPV, WHICH MAY ALSO BE REFERRED TO AS METHYLONE, MEPHEDRONE, OR OTHER NAMES EXCEPT AS AUTHORIZED BY SUBDIVISION THREE OF THIS SECTION.

3. NOTHING IN THIS SECTION SHALL APPLY TO NONPRESCRIPTION OVER-THE-COUNTER DRUGS APPROVED OR REGULATED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

4. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY THAT VIOLATES THE PROVISIONS OF THIS SECTION BY SELLING, OFFERING TO SELL OR GIVING AWAY AS EITHER A RETAIL OR WHOLESALE PROMOTION ANY PRODUCT WHICH CONTAINS MDPV, SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS PER VIOLATION,

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

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RECOVERABLE IN AN ACTION BY ANY ENFORCEMENT AUTHORITY DESIGNATED BY A MUNICIPALITY OR POLITICAL SUBDIVISION OF THE STATE.

5. IT SHALL BE A DEFENSE THAT ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY THAT SOLD, OFFERED FOR SALE OR GAVE AWAY AS EITHER A RETAIL OR WHOLESALE PROMOTION ANY PRODUCT WHICH CONTAINS MDPV, DID NOT HAVE KNOWLEDGE THAT IT WAS A PRODUCT CONTAINING MDPV, IF SUCH KNOWLEDGE WAS NOT REASONABLY DISCOVERABLE.

S 2. This act shall take effect immediately.