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

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I N A S S E M B L Y

April 24, 2012

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of larceny 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 220.80 to read as follows:

S 220.80 LARCENY OF A CONTROLLED SUBSTANCE.

A PERSON IS GUILTY OF LARCENY OF A CONTROLLED SUBSTANCE WHEN HE OR SHE COMMITS THE CRIME OF LARCENY AND THE STOLEN PROPERTY INCLUDES A SCHEDULE II, III, IV, OR V CONTROLLED SUBSTANCE STOLEN FROM A PHARMACY. FOR THE PURPOSES OF THIS SECTION:

1. "LARCENY" HAS THE SAME MEANING AS DEFINED IN SECTION 155.05 OF THIS PART.

2. "PHARMACY" MEANS ANY PLACE IN WHICH DRUGS, PRESCRIPTIONS OR POISONS ARE POSSESSED FOR THE PURPOSE OF COMPOUNDING, PRESERVING, DISPENSING OR RETAILING, OR IN WHICH DRUGS, PRESCRIPTIONS OR POISONS ARE COMPOUNDED, PRESERVED, DISPENSED OR RETAILED, OR IN WHICH SUCH DRUGS, PRESCRIPTIONS OR POISONS ARE BY ADVERTISING OR OTHERWISE OFFERED FOR SALE AT RETAIL.

3. "SCHEDULE II, III, IV, OR V CONTROLLED SUBSTANCE" MEANS ANY SUBSTANCE LISTED IN SCHEDULES II, III, IV, AND V OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW.

LARCENY OF A CONTROLLED SUBSTANCE IS A CLASS A-II FELONY.

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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