

3469

2013-2014 Regular Sessions

I N   S E N A T E

February 4, 2013

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to establish a substituted cathinone surrender program; to amend the public health law, in relation to controlled substances; to repeal certain provisions of the public health law, relating to controlled substances; and providing for the repeal of certain provisions upon expiration thereof

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

1     Section 1. There is hereby established a statewide substituted cathi-  
2 none surrender program. Pursuant to this program, for a period of ninety  
3 days commencing on the effective date of this section:  
4     The department of health shall establish a statewide substituted cath-  
5 inone surrender program, in compliance with federal law. The program  
6 shall be composed of locations throughout the state, at which individ-  
7 uals may anonymously surrender products containing substituted cathi-  
8 nones, as defined in section 3306 of the public health law. A surrender  
9 of substituted cathinones pursuant to this section shall not constitute  
10 a "sale" for the purposes of the penal law.  
11     S 2. Paragraph 5 of subdivision (f) of schedule I of section 3306 of  
12 the public health law, as amended by chapter 457 of the laws of 2006, is  
13 amended to read as follows:  
14     (5) [Methcathinone (some other names: 2-(methylamino) - propiophenone;  
15 alpha-(methylamino) propiophenone; 2-(methylamino) -1-phenylpropan-  
16 1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone,  
17 N-methylcathinone, methylcathinone; AL-464; AL-422; AL-463 and UR1432),  
18 its salts, optical isomers and salts of optical isomers] SUBSTITUTED  
19 CATHINONES. ANY COMPOUND, OTHER THAN BUPROPION, THAT IS STRUCTURALLY  
20 DERIVED FROM 2-AMINO-1-PHENYL-1-PROPANONE BY MODIFICATION IN ANY OF THE  
21 FOLLOWING WAYS:

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

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1 (I) BY SUBSTITUTION IN THE PHENYL RING TO ANY EXTENT WITH ALKYL,  
2 ALKOXY, ALKYLENEDIOXY, HALOALKYL, OR HALIDE SUBSTITUENTS, WHETHER OR NOT  
3 FURTHER SUBSTITUTED IN THE PHENYL RING BY ONE OR MORE OTHER UNIVALENT  
4 SUBSTITUENTS;

5 (II) BY SUBSTITUTION AT THE 3-POSITION WITH AN ALKYL SUBSTITUTENT;

6 (III) BY SUBSTITUTION AT THE NITROGEN ATOM WITH ALKYL OR DIALKYL  
7 GROUPS, OR BY INCLUSION OF THE NITROGEN ATOM IN A CYCLIC STRUCTURE.

8 S 3. Paragraphs 9 and 10 of subdivision (f) of schedule I of section  
9 3306 of the public health law are REPEALED.

10 S 4. Section 3308 of the public health law is amended by adding a new  
11 subdivision 7 to read as follows:

12 7. THE COMMISSIONER SHALL, IN CONJUNCTION WITH THE DIVISION OF CRIMI-  
13 NAL JUSTICE SERVICES, ESTABLISH AND MAINTAIN A DATABASE OF KNOWN SUBSTI-  
14 TUTED CATHINONES, AS DEFINED IN SECTION THIRTY-THREE HUNDRED SIX OF THIS  
15 TITLE. THE DATABASE SHALL BE PUBLISHED ON THE DEPARTMENT'S WEBSITE SO  
16 THAT CONSUMERS, RETAILERS, AND LAW ENFORCEMENT AGENCIES CAN ACCESS  
17 INFORMATION INCLUDING, BUT NOT LIMITED TO:

18 (A) A LIST OF COMPOUNDS KNOWN TO BELONG TO THE CLASSES OF CHEMICALS  
19 LISTED ABOVE, AND THEIR TRADE NAMES;

20 (B) A PHYSICAL DESCRIPTION OF PRODUCTS KNOWN TO CONTAIN SUCH  
21 COMPOUNDS, AND THEIR EFFECTS; AND

22 (C) A LIST OF THE BRAND NAMES OF PRODUCTS KNOWN TO CONTAIN SUCH  
23 COMPOUNDS, AND IMAGES OF THEIR PACKAGING.

24 THE WEBSITE SHALL INCLUDE A STATEMENT INDICATING THAT SUCH INFORMATION  
25 IS BEING PROVIDED AS A RESOURCE FOR CONSUMERS, RETAILERS, AND LAW  
26 ENFORCEMENT; AND, DUE TO THE NATURE OF THE ILLEGAL DRUG TRADE, SUCH  
27 INFORMATION MAY NOT BE COMPREHENSIVE. NEITHER THE DEPARTMENT NOR THE  
28 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL BE LIABLE FOR ANY ECONOMIC  
29 HARM, PERSONAL INJURY, OR DEATH THAT MAY RESULT FROM INFORMATION  
30 INCLUDED IN, OR OMITTED FROM, THE DATABASE.

31 S 5. This act shall take effect on the ninetieth day after it shall  
32 have become a law; provided, however, that the commissioner of health  
33 and the division of criminal justice services shall immediately take the  
34 actions necessary to ensure that the database created by subdivision 7  
35 of section 3308 of the public health law, as added by section four of  
36 this act, and the surrender program established by section one of this  
37 act, are operational on such effective date; and provided, further, that  
38 the provisions of section one of this act shall expire and be deemed  
39 repealed on the ninety-first day after such effective date.