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

S. 7902 A. 10154

S E N A T E - A S S E M B L Y

June 17, 2014

IN SENATE -- Introduced by Sen. HANNON -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hennessey) -- (at request of the Governor) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminalizing the 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:

Section 1. Section 220.65 of the penal law, as added by chapter 118 of the laws of 1986, is amended to read as follows:

S 220.65 Criminal sale of a prescription for a controlled substance OR OF A CONTROLLED SUBSTANCE BY A PRACTITIONER OR PHARMACIST.

A person is guilty of criminal sale of a prescription for a controlled substance OR OF A CONTROLLED SUBSTANCE BY A PRACTITIONER OR PHARMACIST when[,]: 1. being a practitioner, as that term is defined in section thirty-three hundred two of the public health law, he OR SHE knowingly and unlawfully sells a prescription for a controlled substance. For the purposes of this section, a person sells a prescription for a controlled substance unlawfully when he OR SHE does so other than in good faith in the course of his OR HER professional practice; OR

2. BEING A PRACTITIONER OR PHARMACIST, AS THOSE TERMS ARE DEFINED IN SECTION THIRTY-THREE HUNDRED TWO OF THE PUBLIC HEALTH LAW, HE OR SHE, ACTING OTHER THAN IN GOOD FAITH, WHILE PURPORTING TO ACT WITHIN THE SCOPE OF THE POWER, AUTHORITY AND PRIVILEGES OF HIS OR HER LICENSE, AS THAT TERM IS DEFINED IN SECTION THIRTY-THREE HUNDRED TWO OF THE PUBLIC HEALTH LAW, KNOWINGLY AND UNLAWFULLY SELLS A CONTROLLED SUBSTANCE.

Criminal sale of a prescription FOR A CONTROLLED SUBSTANCE OR OF A CONTROLLED SUBSTANCE BY A PRACTITIONER OR PHARMACIST is a class C 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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