

2941

2013-2014 Regular Sessions

I N   S E N A T E

January 25, 2013

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Introduced by Sens. HANNON, DeFRANCISCO, FUSCHILLO, GALLIVAN, GRISANTI, LAVALLE, MARTINS, MAZIARZ, RANZENHOFER, YOUNG, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the class B felony of criminal 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:

1     Section 1. The penal law is amended by adding a new section 220.66 to  
2     read as follows:  
3     S 220.66 CRIMINAL SALE OF A CONTROLLED SUBSTANCE BY A PRACTITIONER OR  
4     PHARMACIST.  
5     A PERSON IS GUILTY OF CRIMINAL SALE OF A CONTROLLED SUBSTANCE BY A  
6     PRACTITIONER OR PHARMACIST WHEN, BEING A PRACTITIONER OR PHARMACIST, AS  
7     THOSE TERMS ARE DEFINED IN SECTION THIRTY-THREE HUNDRED TWO OF THE  
8     PUBLIC HEALTH LAW, OR A PHARMACY INTERN ACTING IN CONFORMITY WITH THE  
9     PROVISIONS OF SECTION SIXTY-EIGHT HUNDRED SIX OF THE EDUCATION LAW AND  
10    ANY REGULATIONS ADOPTED PURSUANT THERETO IN A REGISTERED PHARMACY, HE OR  
11    SHE KNOWINGLY AND UNLAWFULLY SELLS A CONTROLLED SUBSTANCE. FOR THE  
12    PURPOSES OF THIS SECTION, A PERSON SELLS A CONTROLLED SUBSTANCE UNLAW-  
13    FULLY WHEN HE OR SHE DOES SO OTHER THAN IN GOOD FAITH IN THE COURSE OF  
14    HIS OR HER PROFESSIONAL PRACTICE.  
15    CRIMINAL SALE OF A CONTROLLED SUBSTANCE BY A PRACTITIONER OR PHARMA-  
16    CIST IS A CLASS B FELONY.  
17    S 2. This act shall take effect on the first of November next succeed-  
18    ing the date on which it shall have become a law.

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

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