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

3469

2013-2014 Regular Sessions

I N  S E N A T E

February 4, 2013

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:

Section 1. There is hereby established a statewide substituted cathinone surrender program. Pursuant to this program, for a period of ninety days commencing on the effective date of this section:

The department of health shall establish a statewide substituted cathinone surrender program, in compliance with federal law. The program shall be composed of locations throughout the state, at which individuals may anonymously surrender products containing substituted cathinones, as defined in section 3306 of the public health law. A surrender of substituted cathinones pursuant to this section shall not constitute a "sale" for the purposes of the penal law.

S 2. Paragraph 5 of subdivision (f) of schedule I of section 3306 of the public health law, as amended by chapter 457 of the laws of 2006, is amended to read as follows:

(5) [Methcathinone (some other names: 2-(methylamino) - propiophenone; alpha-(methylamino) propiophenone; 2-(methylamino) -1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone, N-methylcathinone, methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers] SUBSTITUTED CATHINONES. ANY COMPOUND, OTHER THAN BUPROPRION, THAT IS STRUCTURALLY DERIVED FROM 2-AMINO-1-PHENYL-1-PROPANONE BY MODIFICATION IN ANY OF THE FOLLOWING WAYS:

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

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

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

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

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 Paragraphs 9 and 10 of subdivision (f) of schedule I of section 3306 of the public health law are REPEALED.

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

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

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

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

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

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

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