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

6039

2015-2016 Regular Sessions

I N S E N A T E

August 26, 2015

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

AN ACT to amend the penal law, in relation to the sale of synthetic cannabinoids

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

Section 1. Section 220.00 of the penal law is amended by adding a new subdivision 21 to read as follows:

21. "SYNTHETIC CANNABINOID" MEANS ANY CHEMICAL COMPOUND THAT IS A CANNABINOID RECEPTOR AGONIST AND SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY MATERIAL, COMPOUND, MIXTURE OR PREPARATION THAT IS NOT LISTED AS A CONTROLLED SUBSTANCE.

S 2. The opening paragraph of section 221.35 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

A person is guilty of criminal sale of marihuana in the fifth degree when he OR SHE knowingly and unlawfully sells, without consideration, one or more preparations, compounds, mixtures or substances containing marihuana OR SYNTHETIC CANNABINOID, and the preparations, compounds, mixtures or substances are of an aggregate weight of two grams or less; or one cigarette containing marihuana.

S 3. The opening paragraph of section 221.40 of the penal law, as added by chapter 360 of the laws of 1977, is amended to read as follows:

A person is guilty of criminal sale of marihuana in the fourth degree when he OR SHE knowingly and unlawfully sells marihuana OR SYNTHETIC CANNABINOID, except as provided in section 221.35 of this article.

S 4. The opening paragraph of section 221.45 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

A person is guilty of criminal sale of marihuana in the third degree when he OR SHE knowingly and unlawfully sells one or more preparations,

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

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compounds, mixtures or substances containing marihuana OR SYNTHETIC CANNABINOID, and the preparations, compounds, mixtures or substances are of an aggregate weight of more than twenty-five grams.

S 5. The opening paragraph of section 221.50 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

A person is guilty of criminal sale of marihuana in the second degree when he OR SHE knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana OR SYNTHETIC CANNABINOID, and the preparations, compounds, mixtures or substances are of an aggregate weight of more than four ounces, or knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana OR SYNTHETIC CANNABINOID to a person less than eighteen years of age.

S 6. The opening paragraph of section 221.55 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

A person is guilty of criminal sale of marihuana in the first degree when he OR SHE knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana OR SYNTHETIC CANNABINOID, and the preparations, compounds, mixtures or substances are of an aggregate weight of more than sixteen ounces.

S 7. This act shall take effect immediately.