

8409--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

October 9, 2015

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Introduced by M. of A. GJONAJ -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the penal law, in relation to synthetic cannabinoids and synthetic cathinones

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

1     Section 1. Subdivision 4 of section 3302 of the public health law, as  
2     added by chapter 878 of the laws of 1972 and as renumbered by chapter  
3     537 of the laws of 1998, is amended to read as follows:  
4     4. "Concentrated Cannabis" means  
5     [(a)] the separated resin, whether crude or purified, obtained from a  
6     plant of the genus Cannabis[; or  
7     (b) a material, preparation, mixture, compound or other substance  
8     which contains more than two and one-half percent by weight of delta-9  
9     tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran numbering  
10    system, or delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) mono-  
11    terpene numbering system].  
12    S 2. Section 3302 of the public health law is amended by adding two  
13    new subdivisions 44 and 45 to read as follows:  
14    44. "SYNTHETIC CANNABINOID" MEANS A SUBSTANCE OR SUBSTANCES LISTED IN  
15    PARAGRAPH THIRTY-SIX OF SUBDIVISION (D) OF SCHEDULE I OF SECTION THIR-  
16    TY-THREE HUNDRED SIX OF THIS TITLE.  
17    45. "SYNTHETIC CATHINONE" MEANS A SUBSTANCE OR SUBSTANCES LISTED IN  
18    PARAGRAPH THIRTY-FIVE OF SUBDIVISION (F) OF SCHEDULE I OF SECTION THIR-  
19    TY-THREE HUNDRED SIX OF THIS TITLE.  
20    S 3. Paragraph 21 of subdivision (d) of schedule I of section 3306 of  
21    the public health law, as added by chapter 664 of the laws of 1985, is  
22    amended and a new paragraph 36 is added to read as follows:

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

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1 (21) Tetrahydrocannabinols. [Synthetic equivalents of the substances  
2 contained in the plant, or in the resinous extractives of cannabis, sp.  
3 and/or synthetic substances, derivatives, and their isomers with similar  
4 chemical structure and pharmacological activity such as the following:  
5 /\1 cis or trans tetrahydrocannabinol, and their optical isomers  
6 /\6 cis or trans tetrahydrocannabinol, and their optical isomers  
7 /\3, 4 cis or trans tetrahydrocannabinol, and its optical isomers  
8 (since nomenclature of these substances is not internationally standard-  
9 ized, compounds of these structures, regardless of numerical designation  
10 of atomic positions covered).]

11 (36) SYNTHETIC CANNABINOID. (I) UNLESS SPECIFICALLY EXEMPTED OR LIST-  
12 ED IN ANOTHER SCHEDULE OF THIS SECTION, ANY MATERIAL, COMPOUND, MIXTURE  
13 OR PREPARATION WHICH CONTAINS ANY QUANTITY OF SYNTHETIC CANNABINOID, OR  
14 WHICH CONTAINS ANY OF ITS SALTS, ISOMERS (WHETHER OPTICAL, POSITIONAL OR  
15 GEOMETRIC), HOMOLOGUES (ANALOGUES), AND SALTS OF ISOMERS AND HOMOLOGUES  
16 (ANALOGUES), WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, HOMOLOGUES  
17 (ANALOGUES) AND SALTS OF ISOMERS AND HOMOLOGUES (ANALOGUES) IS POSSIBLE  
18 WITHIN THE SPECIFIC CHEMICAL DESIGNATION.

19 (II) FOR THE PURPOSES OF THIS PARAGRAPH, "SYNTHETIC CANNABINOID":

20 1. MEANS ANY CHEMICAL COMPOUND THAT IS A CANNABINOID RECEPTOR TYPE 1  
21 (CB1 RECEPTOR) AGONIST AS DEMONSTRATED BY BINDING STUDIES AND FUNCTIONAL  
22 ASSAYS WITHIN ANY OF THE FOLLOWING STRUCTURAL CLASSES:

23 (A) 2-(3-HYDROXYCYCLOHEXYL)PHENOL WITH SUBSTITUTION AT THE 5-POSITION  
24 OF THE PHENOLIC RING BY ALKYL OR ALKENYL, WHETHER OR NOT SUBSTITUTED ON  
25 THE CYCLOHEXYL RING TO ANY EXTENT.

26 (B) 3-(1-NAPHTHOYL)INDOLE OR 3-(1-NAPHTHYLMETHANE)INDOLE BY SUBSTI-  
27 TUTION AT THE NITROGEN ATOM OF THE INDOLE RING, WHETHER OR NOT FURTHER  
28 SUBSTITUTED ON THE INDOLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED  
29 ON THE NAPHTHOYL OR NAPHTHYL RING TO ANY EXTENT.

30 (C) 3-(1-NAPHTHOYL)PYRROLE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE  
31 PYRROLE RING, WHETHER OR NOT FURTHER SUBSTITUTED IN THE PYRROLE RING TO  
32 ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE NAPHTHOYL RING TO ANY  
33 EXTENT.

34 (D) 1-(1-NAPHTHYLMETHYLENE)INDENE BY SUBSTITUTION OF THE 3-POSITION OF  
35 THE INDENE RING, WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDENE RING  
36 TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE NAPHTHYL RING TO ANY  
37 EXTENT.

38 (E) 3-PHENYLACETYLINDOLE OR 3-BENZOYLINDOLE BY SUBSTITUTION AT THE  
39 NITROGEN ATOM OF THE INDOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED IN  
40 THE INDOLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE PHENYL  
41 RING TO ANY EXTENT;

42 2. SHALL INCLUDE:

43 (A) 5-(1,1-DIMETHYLHEPTYL)-2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-PHENOL  
44 (CP-47,497).

45 (B) 5-(1,1-DIMETHYLOCTYL)-2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-PHENOL  
46 (CANNABICYCLOHEXANOL OR CP-47,497 C8-HOMOLOG).

47 (C) 1-PENTYL-3-(1-NAPHTHOYL)INDOLE (JWH-018 AND AM678).

48 (D) 1-BUTYL-3-(1-NAPHTHOYL)INDOLE (JWH-073).

49 (E) 1-HEXYL-3-(1-NAPHTHOYL)INDOLE (JWH-019).

50 (F) 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-NAPHTHOYL)INDOLE (JWH-200).

51 (G) 1-PENTYL-3-(2-METHOXYPHENYLACETYL)INDOLE (JWH-250).

52 (H) 1-PENTYL-3-[1-(4-METHOXYNAPHTHOYL)]INDOLE (JWH-081).

53 (I) 1-PENTYL-3-(4-METHYL-1-NAPHTHOYL)INDOLE (JWH-122).

54 (J) 1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL)INDOLE (JWH-398).

55 (K) 1-(5-FLUOROPENTYL)-3-(1-NAPHTHOYL)INDOLE (AM2201).

56 (L) 1-(5-FLUOROPENTYL)-3-(2-IOBOBENZOYL)INDOLE (AM694).

1 (M) 1-PENTYL-3-[(4-METHOXY)-BENZOYL]INDOLE (SR-19 AND RCS-4).  
2 (N) 1-CYCLOHEXYLETHYL-3-(2-METHOXYPHENYLACETYL)INDOLE (SR-18 AND  
3 RCS-8).  
4 (O) 1-PENTYL-3-(2-CHLOROPHENYLACETYL)INDOLE (JWH-203).  
5 (P) (1-PENTYL-1H-INDOL-3-YL)(2,2,3,3-TETRAMETHYLCYCLOPROPYL) METHA-  
6 NONE, ITS OPTICAL, POSITIONAL AND GEOMETRIC ISOMERS, SALTS AND SALTS OF  
7 ISOMERS-7144 (OTHER NAMES: UR-144,  
8 1-PENTYL-3-(2,2,3,3-TETRAMETHYLCYCLOPROPYL)INDOLE).  
9 (Q)  
10 [1-(5-FLUORO-PENTYL)-1H-INDOL-3-YL](2,2,3,3-TETRAMETHYLCYCLOPROPYL)  
11 METHANONE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC ISOMERS, SALTS AND  
12 SALTS OF ISOMERS-7011 (OTHER NAMES: 5-FLUORO-UR-144, 5-F-UR-144,  
13 XLR11, 1-(5-FLUORO-PENTYL)-3-(2,2,3,3-TETRAMETHYLCYCLOPROPYL)INDOLE).  
14 (R) N-(1-ADAMANTYL)-1-PENTYL-1H-INDAZOLE-3-CARBOXAMIDE, ITS OPTICAL,  
15 POSITIONAL, AND GEOMETRIC ISOMERS, SALTS AND SALTS OF ISOMERS-7048  
16 (OTHER NAMES: APINACA, AKB48).  
17 (S) N-(1-AMINO-3-METHYL-1-OXOBUTAN-2-YL)-1- (CYCLOHEXYLME-  
18 THYL)-1H-INDAZOLE-3-CARBOXAMIDE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC  
19 ISOMERS, SALTS, AND SALTS OF ISOMERS-7031 (OTHER NAMES: AB-CHMINACA).  
20 (T) N-(1-AMINO-3-METHYL-1-OXOBUTAN-2-YL)-1-PENTYL-1H-INDAZOLE-3-CAR-  
21 BOXAMIDE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC ISOMERS, SALTS, AND  
22 SALTS OF ISOMERS-7023 (OTHER NAMES: AB-PINACA).  
23 (U) [1-(5-FLUOROPENTYL)-1H-INDAZOL-3-YL](NAPHTHALEN-1-YL)METHANONE,  
24 ITS OPTICAL, POSITIONAL, AND GEOMETRIC ISOMERS, SALTS, AND SALTS OF  
25 ISOMERS-7024 (OTHER NAMES: THJ-2201);  
26 3. SHALL INCLUDE SYNTHETIC TETRAHYDROCANNABINOLS, MEANING THE SYNTHET-  
27 IC EQUIVALENTS OF THE SUBSTANCES CONTAINED IN THE CANNABIS PLANT, OR IN  
28 THE RESINOUS EXTRACTIVES OF SUCH PLANT, AND/OR SYNTHETIC SUBSTANCES,  
29 DERIVATIVES, AND THEIR ISOMERS WITH SIMILAR CHEMICAL STRUCTURE AND PHAR-  
30 MACOLOGICAL ACTIVITY TO THOSE SUBSTANCES CONTAINED IN THE PLANT, SUCH AS  
31 THE FOLLOWING:  
32 (A) CIS OR TRANS TETRAHYDROCANNABINOL, AND THEIR OPTICAL ISOMERS.  
33 (B) 6 CIS OR TRANS TETRAHYDROCANNABINOL, AND THEIR OPTICAL ISOMERS.  
34 (C) 3,4 CIS OR TRANS TETRAHYDROCANNABINOL, AND ITS OPTICAL ISOMERS.  
35 (D) SINCE NOMENCLATURE OF THESE SUBSTANCES IS NOT INTERNATIONALLY  
36 STANDARDIZED, COMPOUNDS OF THESE STRUCTURES, REGARDLESS OF NUMERICAL  
37 DESIGNATION OF ATOMIC POSITIONS COVERED; AND  
38 4. SHALL INCLUDE ANY CHEMICAL COMPOUND THAT IS A SYNTHETIC CANNABINOID  
39 DESIGNATED AS A CONTROLLED SUBSTANCE UNDER THE FEDERAL CONTROLLED  
40 SUBSTANCES ACT AND REGULATIONS ADOPTED PURSUANT TO SAID ACT, INCLUDING  
41 ANY PERMANENT AND EMERGENCY REGULATIONS ADOPTED BY THE FEDERAL DRUG  
42 ENFORCEMENT ADMINISTRATION.  
43 S 4. Subdivision (f) of schedule I of section 3306 of the public  
44 health law is amended by adding eleven new paragraphs 25, 26, 27, 28,  
45 29, 30, 31, 32, 33, 34 and 35 to read as follows:  
46 (25) 4-METHYL-N-ETHYLCATHINONE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC  
47 ISOMERS, SALTS AND SALTS OF ISOMERS-1249 (OTHER NAMES: 4-MEC;  
48 2-(ETHYLAMINO)-1-(4-METHYLPHENYL)PROPAN-1-ONE).  
49 (26) 4-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE, ITS OPTICAL, POSITIONAL,  
50 AND GEOMETRIC ISOMERS, SALTS AND SALTS OF ISOMERS-7498 (OTHER NAMES:  
51 4-MEPPP; MEPPP; 4-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE;  
52 1-(4-METHYLPHENYL)-2-(PYRROLIDIN-1-YL)-PROPAN-1-ONE).  
53 (27) ALPHA-PYRROLIDINOPENTIOPHENONE, ITS OPTICAL, POSITIONAL, AND  
54 GEOMETRIC ISOMERS, SALTS AND SALTS OF ISOMERS-7545 (OTHER NAMES: ALPHA-  
55 PVP; ALPHA-PYRROLIDINOVALEROPHENONE; 1-PHENYL-  
56 2-(PYRROLIDIN-1-YL)PENTAN-1-ONE).

1 (28) BUTYLONE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC ISOMERS, SALTS  
2 AND SALTS OF ISOMERS- 7541 (OTHER NAMES: BK-MBDB;  
3 1-(1,3-BENZODIOXOL-5-YL)-2-(METHYLAMINO)BUTAN-1-ONE).

4 (29) PENTEDRONE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC ISOMERS, SALTS  
5 AND SALTS OF ISOMERS-1246 (OTHER NAMES: ALPHA-METHYLAMINOVALEROPHENONE;  
6 2-(METHYLAMINO)-1-PHENYLPENTAN-1-ONE).

7 (30) PENTYLONE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC ISOMERS, SALTS  
8 AND SALTS OF ISOMERS- 7542 (OTHER NAMES: BK-MBDP;  
9 1-(1,3-BENZODIOXOL-5-YL)-2-(METHYLAMINO)PENTAN-1-ONE).

10 (31) 4-FLUORO-N-METHYLCATHINONE, ITS OPTICAL, POSITIONAL, AND GEOMET-  
11 RIC ISOMERS, SALTS AND SALTS OF ISOMERS-1238 (OTHER NAMES: 4-FMC;  
12 FLEPHEDRONE; 1-(4-FLUOROPHENYL)-2-(METHYLAMINO)PROPAN-1-ONE).

13 (32) 3-FLUORO-N-METHYLCATHINONE, ITS OPTICAL, POSITIONAL, AND GEOMET-  
14 RIC ISOMERS, SALTS AND SALTS OF ISOMERS-1233 (OTHER NAMES: 3-FMC;  
15 1-(3-FLUOROPHENYL)-2-(METHYLAMINO)PROPAN-1-ONE).

16 (33) NAPHYRONE, ITS OPTICAL, POSITIONAL, AND GEOMETRIC ISOMERS, SALTS  
17 AND SALTS OF ISOMERS-1258 (OTHER NAMES: NAPHTHYLPYROVALERONE;  
18 1-(NAPHTHALEN-2-YL)-2-(PYRROLIDIN-1-YL)PENTAN-1-ONE).

19 (34) ALPHA-PYRROLIDINOBTIOPHENONE, ITS OPTICAL, POSITIONAL, AND  
20 GEOMETRIC ISOMERS, SALTS AND SALTS OF ISOMERS-7546 (OTHER NAMES: ALPHA-  
21 PBP; 1-PHENYL-2-(PYRROLIDIN-1-YL)BUTAN-1-ONE).

22 (35) SYNTHETIC CATHINONES. (I) UNLESS SPECIFICALLY EXEMPTED OR LISTED  
23 IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE OR PREPARATION  
24 WHICH CONTAINS ANY QUANTITY OF SYNTHETIC CATHINONE, OR WHICH CONTAINS  
25 ANY OF THEIR SALTS, ISOMERS (WHETHER OPTICAL, POSITIONAL, OR GEOMETRIC),  
26 HOMOLOGUES (ANALOGUES), AND SALTS OF ISOMERS AND HOMOLOGUES (ANALOGUES),  
27 WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, HOMOLOGUES (ANALOGUES)  
28 AND SALTS OF ISOMERS AND HOMOLOGUES (ANALOGUES) IS POSSIBLE WITHIN THE  
29 SPECIFIC CHEMICAL DESIGNATION.

30 (II) FOR THE PURPOSES OF THIS PARAGRAPH, "SYNTHETIC CATHINONE":

31 1. MEANS ANY SUBSTANCE, EXCEPT BUPROPION OR COMPOUNDS LISTED UNDER A  
32 DIFFERENT SCHEDULE, THAT IS STRUCTURALLY DERIVED FROM  
33 2-AMINOPROPAN-1-ONE BY SUBSTITUTION AT THE 1- POSITION WITH EITHER  
34 PHENYL, NAPHTHYL, OR THIOPHENE RING SYSTEMS, WHETHER OR NOT THE COMPOUND  
35 IS FURTHER MODIFIED IN ANY OF THE FOLLOWING WAYS:

36 (A) BY SUBSTITUTION IN THE RING SYSTEM TO ANY EXTENT WITH ALKYL, ALKY-  
37 LENEDIOXY, ALKOXY, HALOALKYL, HYDROXYL, OR HALIDE SUBSTITUENTS, WHETHER  
38 OR NOT FURTHER SUBSTITUTED IN THE RING SYSTEM BY ONE OR MORE OTHER  
39 UNIVALENT SUBSTITUENTS;

40 (B) BY SUBSTITUTION AT THE 3-POSITION WITH AN ACYCLIC ALKYL SUBSTI-  
41 TUENT;

42 (C) BY SUBSTITUTION AT THE 2-AMINO NITROGEN ATOM WITH ALKYL, DIALKYL,  
43 BENZYL OR METHOXYBENZYL GROUPS; OR

44 (D) BY INCLUSION OF THE 2-AMINO NITROGEN ATOM IN A CYCLIC STRUCTURE;

45 2. MEANS ANY SUBSTANCE THAT IS STRUCTURALLY DERIVED FROM  
46 2-AMINO-1-PHENYL-1-PROPANONE (CATHINONE) BY MODIFICATION IN ANY OF THE  
47 FOLLOWING WAYS:

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

52 (B) BY SUBSTITUTION AT THE 3-POSITION WITH AN ALKYL SUBSTITUENT;

53 (C) BY SUBSTITUTION AT THE NITROGEN ATOM WITH ALKYL, DIALKYL, OR  
54 BENZYL GROUPS, OR BY INCLUSION OF THE NITROGEN ATOM IN A CYCLIC STRUC-  
55 TURE;

1 3. SHALL INCLUDE ANY CHEMICAL COMPOUND THAT IS A SYNTHETIC CATHINONE  
2 DESIGNATED AS A CONTROLLED SUBSTANCE UNDER THE FEDERAL CONTROLLED  
3 SUBSTANCES ACT AND REGULATIONS ADOPTED PURSUANT TO SUCH ACT, INCLUDING  
4 ANY PERMANENT AND EMERGENCY REGULATIONS ADOPTED BY THE FEDERAL DRUG  
5 ENFORCEMENT ADMINISTRATION.

6 S 5. Subdivision 5 of section 220.00 of the penal law, as amended by  
7 chapter 537 of the laws of 1998, is amended and a new subdivision 21 is  
8 added to read as follows:

9 5. "Controlled substance" means any substance listed in schedule I,  
10 II, III, IV or V of section thirty-three hundred six of the public  
11 health law other than marihuana, but including concentrated cannabis as  
12 defined in [paragraph (a) of] subdivision four of section thirty-three  
13 hundred two of such law.

14 21. "KNOWINGLY" FOR THE PURPOSES OF ANY OFFENSE INVOLVING THE  
15 POSSESSION OR SALE, OR THE ATTEMPT OR CONSPIRACY TO POSSESS OR SELL, A  
16 SYNTHETIC CANNABINOID OR SYNTHETIC CATHINONE, SHALL NOT REQUIRE KNOW-  
17 LEDGE BY A PERSON OF THE CHEMICAL STRUCTURE OF THE SUBSTANCE, BUT RATH-  
18 ER, IT IS SUFFICIENT IF:

19 (A) THE PERSON KNEW OR SHOULD HAVE KNOWN THAT THE SUBSTANCE HAS A  
20 STIMULANT, DEPRESSANT OR HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS  
21 SYSTEM THAT IS SUBSTANTIALLY SIMILAR TO OR GREATER THAN THE STIMULANT,  
22 DEPRESSANT OR HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM OF A  
23 CONTROLLED SUBSTANCE LISTED IN SCHEDULE I OR II OF SECTION THIRTY-THREE  
24 HUNDRED SIX OF THE PUBLIC HEALTH LAW; OR

25 (B) THE PERSON REPRESENTED OR INTENDED FOR THE SUBSTANCE TO HAVE A  
26 STIMULANT, DEPRESSANT OR HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS  
27 SYSTEM THAT IS SUBSTANTIALLY SIMILAR TO OR GREATER THAN THE STIMULANT,  
28 DEPRESSANT OR HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM OF A  
29 CONTROLLED SUBSTANCE LISTED IN SCHEDULE I OR II OF SECTION THIRTY-THREE  
30 HUNDRED SIX OF THE PUBLIC HEALTH LAW.

31 S 6. Section 220.03 of the penal law, as amended by section 4 of part  
32 I of chapter 57 of the laws of 2015, is amended to read as follows:

33 S 220.03 Criminal possession of a controlled substance in the seventh  
34 degree.

35 A person is guilty of criminal possession of a controlled substance in  
36 the seventh degree when he or she knowingly and unlawfully possesses a  
37 controlled substance; provided, however, that it shall not be a  
38 violation of this section when a person possesses a residual amount of a  
39 controlled substance and that residual amount is in or on a hypodermic  
40 syringe or hypodermic needle obtained and possessed pursuant to section  
41 thirty-three hundred eighty-one of the public health law, which includes  
42 the state's syringe exchange and pharmacy and medical provider-based  
43 expanded syringe access programs; nor shall it be a violation of this  
44 section when a person's unlawful possession of a controlled substance is  
45 discovered as a result of seeking immediate health care as defined in  
46 paragraph (b) of subdivision three of section 220.78 of [the penal law]  
47 THIS ARTICLE, for either another person or him or herself because such  
48 person is experiencing a drug or alcohol overdose or other life threat-  
49 ening medical emergency as defined in paragraph (a) of subdivision three  
50 of section 220.78 of [the penal law] THIS ARTICLE; NOR SHALL IT BE A  
51 VIOLATION OF THIS SECTION WHEN A PERSON POSSESSES LESS THAN ONE OUNCE OF  
52 A CONTROLLED SUBSTANCE AND THAT CONTROLLED SUBSTANCE IS A SYNTHETIC  
53 CANNABINOID LISTED IN PARAGRAPH THIRTY-SIX OF SUBDIVISION (D) OF SCHED-  
54 ULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW.

55 Criminal possession of a controlled substance in the seventh degree is  
56 a class A misdemeanor.

1 S 7. Subdivision 8 of section 220.06 of the penal law, as added by  
2 chapter 264 of the laws of 2003, is amended and a new subdivision 9 is  
3 added to read as follows:

4 8. one or more preparations, compounds, mixtures or substances  
5 containing gamma hydroxybutyric acid, as defined in paragraph four of  
6 subdivision (e) of schedule I of section thirty-three hundred six of the  
7 public health law, and said preparations, compounds, mixtures or  
8 substances are of an aggregate weight of twenty-eight grams or more[.];  
9 OR

10 9. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES  
11 CONTAINING A SYNTHETIC CANNABINOID LISTED IN PARAGRAPH THIRTY-SIX OF  
12 SUBDIVISION (D) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE  
13 PUBLIC HEALTH LAW AND SAID PREPARATIONS, COMPOUNDS, MIXTURES OR  
14 SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF ONE OUNCE OR MORE.

15 S 8. Subdivision 15 of section 220.09 of the penal law, as added by  
16 chapter 264 of the laws of 2003, is amended and a new subdivision 16 is  
17 added to read as follows:

18 15. one or more preparations, compounds, mixtures or substances  
19 containing gamma hydroxybutyric acid, as defined in paragraph four of  
20 subdivision (e) of schedule I of section thirty-three hundred six of the  
21 public health law, and said preparations, compounds, mixtures or  
22 substances are of an aggregate weight of two hundred grams or more[.];  
23 OR

24 16. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES  
25 CONTAINING A SYNTHETIC CANNABINOID LISTED IN PARAGRAPH THIRTY-SIX OF  
26 SUBDIVISION (D) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE  
27 PUBLIC HEALTH LAW AND SAID PREPARATIONS, COMPOUNDS, MIXTURES OR  
28 SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE.

29 S 9. Subdivision 13 of section 220.16 of the penal law, as amended by  
30 chapter 75 of the laws of 1995, is amended and a new subdivision 14 is  
31 added to read as follows:

32 13. phencyclidine and said phencyclidine weighs one thousand two  
33 hundred fifty milligrams or more[.]; OR

34 14. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES  
35 CONTAINING A SYNTHETIC CANNABINOID LISTED IN PARAGRAPH THIRTY-SIX OF  
36 SUBDIVISION (D) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE  
37 PUBLIC HEALTH LAW AND SAID PREPARATIONS, COMPOUNDS, MIXTURES OR  
38 SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF TEN POUNDS OR MORE.

39 S 10. Subdivisions 3 and 9 of section 220.34 of the penal law, subdi-  
40 vision 3 as amended by chapter 537 of the laws of 1998 and subdivision 9  
41 as added by chapter 264 of the laws of 2003, are amended and a new  
42 subdivision 10 is added to read as follows:

43 3. concentrated cannabis as defined in [paragraph (a) of] subdivision  
44 four of section thirty-three hundred two of the public health law; or

45 9. one or more preparations, compounds, mixtures or substances  
46 containing gamma hydroxybutyric acid, as defined in paragraph four of  
47 subdivision (e) of schedule I of section thirty-three hundred six of the  
48 public health law, and said preparations, compounds, mixtures or  
49 substances are of an aggregate weight of twenty-eight grams or more[.];  
50 OR

51 10. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES  
52 CONTAINING A SYNTHETIC CANNABINOID LISTED IN PARAGRAPH THIRTY-SIX OF  
53 SUBDIVISION (D) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE  
54 PUBLIC HEALTH LAW AND SAID PREPARATIONS, COMPOUNDS, MIXTURES OR  
55 SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF ONE OUNCE OR MORE.

1 S 11. Subdivision 9 of section 220.39 of the penal law, as added by  
2 chapter 410 of the laws of 1979, is amended and a new subdivision 10 is  
3 added to read as follows:  
4 9. a narcotic preparation to a person less than twenty-one years  
5 old[.]; OR  
6 10. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES  
7 CONTAINING A SYNTHETIC CANNABINOID LISTED IN PARAGRAPH THIRTY-SIX OF  
8 SUBDIVISION (D) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE  
9 PUBLIC HEALTH LAW AND SAID PREPARATIONS, COMPOUNDS, MIXTURES OR  
10 SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF SIXTEEN OUNCES OR MORE.  
11 S 12. This act shall take effect immediately.