

8575

2015-2016 Regular Sessions

I N A S S E M B L Y

November 16, 2015

Introduced by M. of A. RA -- read once and referred to the Committee on
Correction

AN ACT to amend the executive law, in relation to creating uniform base-
line standards for drug testing persons on probation or parole

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

1 Section 1. Section 243 of the executive law is amended by adding a new
2 subdivision 5 to read as follows:
3 5. (A) THE DIRECTOR, AFTER CONSULTATION WITH THE STATE PROBATION
4 COMMISSION, THE COMMISSIONER, AND THE COMMISSIONER OF HEALTH, SHALL
5 PROMULGATE UNIFORM BASELINE STANDARDS FOR DRUG TESTING PERSONS ON
6 PROBATION. SUCH BASELINE STANDARDS MUST INSTRUCT LOCAL PROBATION DEPART-
7 MENTS ON THE MINIMAL PROCEDURES TO BE USED DURING COURT ORDERED DRUG
8 TESTING AND MUST REQUIRE LOCAL PROBATION DEPARTMENTS TO TEST FOR:
9 (I) OPIATES.
10 (II) COCAINE.
11 (III) MARIHUANA.
12 (IV) SYNTHETIC CANNABINOIDS.
13 (V) HALLUCINOGENIC SUBSTANCES.
14 (VI) AMPHETAMINES.
15 (B) THIS SUBDIVISION SHALL NOT PREEMPT LOCAL PROBATION DEPARTMENTS AND
16 MUNICIPALITIES WITH STRICTER BASELINE STANDARDS ALREADY IN PLACE.
17 S 2. Section 259-c of the executive law is amended by adding a new
18 subdivision 18 to read as follows:
19 18. (A) RECOMMEND UNIFORM BASELINE STANDARDS FOR DRUG TESTING PAROLEES
20 TO THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY
21 SUPERVISION, WHO IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL
22 PROMULGATE SUCH BASELINE STANDARDS FOR DRUG TESTING PAROLEES. SUCH BASE-
23 LINE STANDARDS MUST INSTRUCT THE DEPARTMENT ON MINIMAL PROCEDURES TO BE
24 USED DURING COURT ORDERED DRUG TESTING AND MUST REQUIRE THE DEPARTMENT
25 TO TEST FOR:

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

LBD13016-01-5

1 (I) OPIATES.
2 (II) COCAINE.
3 (III) MARIHUANA.
4 (IV) SYNTHETIC CANNABINOIDS.
5 (V) HALLUCINOGENIC SUBSTANCES.
6 (VI) AMPHETAMINES.
7 (B) THIS SUBDIVISION SHALL NOT PREEMPT LOCAL REGIONS OF THE DEPARTMENT
8 WITH STRICTER BASELINE STANDARDS ALREADY IN PLACE.
9 S 3. This act shall take effect immediately.