STATE OF NEW YORK

8275

IN SENATE

April 26, 2018

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

AN ACT to amend the public health law, in relation to authorizing the reclassification of controlled substances by regulation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 3307 of the public health law is renumbered subdivision 6 and a new subdivision 5 is added to read as follows:

5. (a) The commissioner may by regulation reclassify any compound, mixture or preparation containing any substance listed in Schedule I of section three thousand three hundred six of this title as a Schedule II, III, IV or V substance, or exempt it from this article, if that compound, mixture or preparation is designated or rescheduled other than under Schedule I under the federal Controlled Substances Act, or deleted as a controlled substance under the federal Controlled Substances Act.

(b) If the commissioner finds that such federal action is reasonably anticipated to happen and that procedural delay in regulatory action by the commissioner under this subdivision may interrupt treatment and impair the health of patients, the commissioner may take emergency regulatory action under this subdivision before the federal action, to take effect upon the taking effect of the federal action.

§ 2. This act shall take effect immediately.

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

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