STATE OF NEW YORK

3089

2017-2018 Regular Sessions

IN ASSEMBLY

January 26, 2017

Introduced by M. of A. McKEVITT, GRAF, ZEBROWSKI, OAKS, FINCH, SALADINO, FRIEND -- Multi-Sponsored by -- M. of A. CROUCH, McLAUGHLIN, TITONE, WALTER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing penalties for the crimes of criminal diversion of prescription medications and prescriptions in the first, second, third and fourth degrees and criminal sale of a prescription

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

Section 1. The closing paragraph of section 178.10 of the penal law, as added by chapter 81 of the laws of 1995, is amended to read as follows:

Criminal diversion of prescription medications and prescriptions in the fourth degree is a class [~~A misdemeanor~~] **E felony**.

§ 2. The closing paragraph of section 178.15 of the penal law, as added by chapter 81 of the laws of 1995, is amended to read as follows:

Criminal diversion of prescription medications and prescriptions in the third degree is a class [~~E~~] **D** felony.

§ 3. The closing paragraph of section 178.20 of the penal law, as added by chapter 81 of the laws of 1995, is amended to read as follows:

Criminal diversion of prescription medications and prescriptions in the second degree is a class [~~D~~] **C** felony.

§ 4. The closing paragraph of section 178.25 of the penal law, as added by chapter 81 of the laws of 1995, is amended to read as follows:

Criminal diversion of prescription medications and prescriptions in the first degree is a class [~~C~~] **B** felony.

§ 5. The closing paragraph of section 220.65 of the penal law, as amended by chapter 31 of the laws of 2014, is amended to read as follows:

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

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Criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist is a class [~~C~~] **B** felony.

§ 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.