

# STATE OF NEW YORK

3573--A

Cal. No. 278

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Codes -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the criminal procedure law, the civil practice law and rules and the executive law, in relation to the possession of opioid antagonists

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

1 Section 1. The criminal procedure law is amended by adding a new  
2 section 60.49 to read as follows:

3 § 60.49 Possession of opioid antagonists; receipt into evidence.

4 1. Evidence that a person was in possession of an opioid antagonist  
5 may not be admitted at any trial, hearing or other proceeding in a pros-  
6 ecution for any offense under sections 220.03, 220.06, 220.09, 220.16,  
7 220.18, or 220.21 of the penal law for the purpose of establishing prob-  
8 able cause for an arrest or proving any person's commission of such  
9 offense.

10 2. For the purposes of this section, opioid antagonist is defined as a  
11 drug approved by the Food and Drug Administration that, when adminis-  
12 tered, negates or neutralizes in whole or in part the pharmacological  
13 effects of an opioid in the body and shall be limited to naloxone and  
14 other medications approved by the department of health for such purpose.

15 § 2. The civil practice law and rules is amended by adding a new  
16 section 4519-a to read as follows:

17 § 4519-a. Possession of opioid antagonists; receipt into evidence. 1.  
18 Possession of an opioid antagonist may not be received in evidence in  
19 any trial, hearing or proceeding pursuant to subdivision one of section  
20 two hundred thirty-one and paragraph three of subdivision b of section  
21 two hundred thirty-three of the real property law or subdivision five of  
22 section seven hundred eleven and subdivision one of section seven  
23 hundred fifteen of the real property actions and proceedings law as

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

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1 evidence that the building or premises are being used for illegal trade,  
2 manufacture, or other illegal business.

3 2. For the purposes of this section, opioid antagonist shall have the  
4 same meaning as set forth in subdivision two of section 60.49 of the  
5 criminal procedure law.

6 § 3. The executive law is amended by adding a new section 214-g to  
7 read as follows:

8 § 214-g. Opioid antagonist awareness. The superintendent, in cooper-  
9 ation with the department of health and the office of alcoholism and  
10 substance abuse services, shall, for all members of the division of  
11 state police: (1) develop, maintain and disseminate appropriate instruc-  
12 tion regarding section 60.49 of the criminal procedure law, and (2)  
13 establish and implement written procedures and policies in the event a  
14 member of the division of state police encounters a person who possesses  
15 opioid antagonists.

16 § 4. Section 841 of the executive law is amended by adding a new  
17 subdivision 7-b to read as follows:

18 7-b. Take such steps as may be necessary to ensure that all police  
19 officers and peace officers certified pursuant to subdivision three of  
20 this section receive appropriate instruction regarding section 60.49 of  
21 the criminal procedure law relating to the introduction of opioid antag-  
22 onists into evidence in certain cases.

23 § 5. This act shall take effect on the sixtieth day after it shall  
24 have become a law and shall apply to all cases pending on and after such  
25 date.