

STATE OF NEW YORK

3518--A

2017-2018 Regular Sessions

IN SENATE

January 24, 2017

Introduced by Sens. FLANAGAN, BROOKS, GALLIVAN, KAMINSKY, MARCHIONE, MURPHY, PHILLIPS, RANZENHOFER, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to certain controlled substances offenses

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

1 Section 1. Section 220.00 of the penal law is amended by adding a new
2 subdivision 21 to read as follows:

3 21. "Knowingly" when used in connection with the offenses involving
4 the possession or sale, or the attempt or conspiracy to possess or sell,
5 a synthetic cannabinoid, synthetic cathinone, or a controlled substance
6 analogue, shall not require knowledge by the defendant of the chemical
7 structure of the substance, but rather, it is sufficient if:

8 (a) the defendant knew or should have known that the substance has a
9 stimulant, depressant, or hallucinogenic effect on the central nervous
10 system that is substantially similar to or greater than the stimulant,
11 depressant, or hallucinogenic effect on the central nervous system of a
12 controlled substance in schedule I or II of section thirty-three hundred
13 six of the public health law; or

14 (b) the defendant represented or intended for the substance to have a
15 stimulant, depressant, or hallucinogenic effect on the central nervous
16 system that is substantially similar to or greater than the stimulant,
17 depressant, or hallucinogenic effect on the central nervous system of a
18 controlled substance in schedule I or II of section thirty-three hundred
19 six of the public health law.

20 § 2. Subdivision 8 of section 220.06 of the penal law, as added by
21 chapter 264 of the laws of 2003, is amended and a new subdivision 9 is
22 added to read as follows:

23 8. one or more preparations, compounds, mixtures or substances
24 containing gamma hydroxybutyric acid, as defined in paragraph four of

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

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1 subdivision (e) of schedule I of section thirty-three hundred six of the
2 public health law, and said preparations, compounds, mixtures or
3 substances are of an aggregate weight of twenty-eight grams or more[+];
4 or

5 9. one or more preparations, compounds, mixtures or substances
6 containing a synthetic cannabinoid as defined in subdivision (g) of
7 schedule I of section thirty-three hundred six of the public health law
8 and said preparations, compounds, mixtures or substances are of an
9 aggregate weight of one ounce or more.

10 § 3. Subdivision 15 of section 220.09 of the penal law, as added by
11 chapter 264 of the laws of 2003, is amended and a new subdivision 16 is
12 added to read as follows:

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

19 16. one or more preparations, compounds, mixtures or substances
20 containing a synthetic cannabinoid as defined in subdivision (g) of
21 schedule I of section thirty-three hundred six of the public health law
22 and said preparations, compounds, mixtures or substances are of an
23 aggregate weight of four ounces or more.

24 § 4. Subdivision 13 of section 220.16 of the penal law, as amended by
25 chapter 75 of the laws of 1995, is amended and a new subdivision 14 is
26 added to read as follows:

27 13. phencyclidine and said phencyclidine weighs one thousand two
28 hundred fifty milligrams or more[+]; or

29 14. one or more preparations, compounds, mixtures or substances
30 containing a synthetic cannabinoid as defined in subdivision (g) of
31 schedule I of section thirty-three hundred six of the public health law
32 and said preparations, compounds, mixtures or substances are of an
33 aggregate weight of ten pounds or more.

34 § 5. Subdivision 3 of section 220.34 of the penal law, as amended by
35 chapter 537 of the laws of 1998, is amended and a new subdivision 10 is
36 added to read as follows:

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

39 10. one or more preparations, compounds, mixtures or substances
40 containing a synthetic cannabinoid as defined in subdivision (g) of
41 schedule I of section thirty-three hundred six of the public health law
42 and said preparations, compounds, mixtures or substances are of an
43 aggregate weight of one ounce or more.

44 § 6. Subdivision 9 of section 220.39 of the penal law, as added by
45 chapter 410 of the laws of 1979, is amended and a new subdivision 10 is
46 added to read as follows:

47 9. a narcotic preparation to a person less than twenty-one years
48 old[+] ; or

49 10. one or more preparations, compounds, mixtures or substances
50 containing a synthetic cannabinoid as defined in subdivision (g) of
51 schedule I of section thirty-three hundred six of the public health law
52 and said preparations, compounds, mixtures or substances are of an
53 aggregate weight of sixteen ounces or more.

54 § 7. This act shall take effect November 1, 2018.