STATE OF NEW YORK

6757--A

2019-2020 Regular Sessions

IN ASSEMBLY

March 19, 2019

Introduced by M. of A. CUSICK, JACOBSON -- Multi-Sponsored by -- M. of A. BARCLAY -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the penal law, in relation to fentanyl analogues

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

Section 1. Section 3302 of the public health law is amended by adding a new subdivision 44 to read as follows:

44. "Fentanyl analogue" (a) means any substance that is structurally related to fentanyl by one or more of the following modifications:

(i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(ii) substation in or on the phenethyl group with alkl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

(iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nito groups;

(iv) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocylce; and/or

(v) replacement of the N-propionyl group by another acyl group.

(b) such term shall not include:

(i) fentanyl;

(ii) any substance for which there is an approved new drug application by the Federal Food and Drug Administration (FDA); or

(iii) with respect to a particular person, any substance, if an exemption is in effect for investigational use for that person, as provided by 21 U.S.C. § 355, to the extent conduct with respect to the substance is pursuant to such exemption.

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

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§ 2.Subdivision (b) of schedule I of section 3306 of the public health law is amended by adding a new paragraph 58 to read as follows:

58. Any fentanyl analogue.

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

21. "Knowingly" when used in connection with an offense involving the possession or sale, or the attempt or conspiracy to possess or sell a fentanyl analogue, shall not require knowledge by a person of the chemical structure of the substance.

§ 4. This act shall take effect immediately.