STATE OF NEW YORK

286

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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

AN ACT to amend the penal law, in relation to exempting tension pneumothorax decompression needles from criminal possession of a hypodermic instrument

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

Section 1. Section 220.45 of the penal law, as amended by section 3 of part I of chapter 57 of the laws of 2015, is amended to read as follows:

§ 220.45 Criminally possessing a hypodermic instrument.

A person is guilty of criminally possessing a hypodermic instrument when he or she knowingly and unlawfully possesses or sells a hypodermic syringe or hypodermic needle. It shall not be a violation of this section when a person obtains and possesses a hypodermic syringe or hypodermic needle pursuant to section thirty-three hundred eighty-one of the public health law, which includes the state's syringe exchange and pharmacy and medical provider-based expanded syringe access programs**, or when a paramedic, emergency-medical technician or other person trained in tactical first aid is in possession of a tension pneumothorax decompression needle in the course of their official duties**.

Criminally possessing a hypodermic instrument is a class A misdemeanor.

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

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

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