STATE OF NEW YORK

8673

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. VANEL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to making the possession of certain amounts of a controlled substance a violation

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

Section 1. Section 220.03 of the penal law, as amended by section 4 of part I of chapter 57 of the laws of 2015, the opening paragraph as amended by chapter 433 of the laws of 2021, is amended to read as follows:

§ 220.03 [~~Criminal~~] **Unlawful** possession of a controlled substance [~~in the seventh degree~~].

A person is guilty of [~~criminal~~] **Unlawful** possession of a controlled substance [~~in the seventh degree~~] when he or she knowingly and unlawfully possesses a controlled substance; provided, however, that it shall not be a violation of this section when a person possesses a residual amount of a controlled substance and that residual amount is in or on a hypodermic syringe or hypodermic needle; nor shall it be a violation of this section when a person's unlawful possession of a controlled substance is discovered as a result of seeking immediate health care as defined in paragraph (b) of subdivision three of section 220.78 of this article, for either another person or him or herself because such person is experiencing a drug or alcohol overdose or other life threatening medical emergency as defined in paragraph (a) of subdivision three of section 220.78 of this article.

[~~Criminal~~] **Unlawful** possession of a controlled substance [~~in the seventh degree~~] is a [~~class A misdemeanor~~] **violation**.

§ 2. This act shall take effect on the ninetieth day after 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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