STATE OF NEW YORK

770

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the vehicle and traffic law and the public health law, in relation to driving a motor vehicle under the influence of drugs or combined use of drugs, impairing substances and alcohol

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

Section 1. The vehicle and traffic law is amended by adding a new section 119-c to read as follows:

§ 119-c. Inhalant. Any substance set forth in subdivision one of section thirty-three hundred eighty of the public health law.

§ 2. Subdivisions 4 and 4-a of section 1192 of the vehicle and traffic law, subdivision 4 as added by chapter 47 of the laws of 1988 and subdivision 4-a as added by chapter 732 of the laws of 2006, are amended to read as follows:

4. Driving while ability impaired by drugs or impairing substances. No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter, or by marihuana or tetrahydrocannabinol, or by the voluntary ingestion of any other chemical, inhalant, pharmaceutical or other impairing substance or combination of substances, drugs, marihuana or tetrahydrocannabinol.

4-a. Driving while ability impaired by the combined influence of [~~drugs or of~~] alcohol and any drug [~~or~~], drugs or impairing substances. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the combined influence of [~~drugs or of alcohol and any drug or drugs~~] alcohol and a drug, drugs, as defined in this chapter, marihuana or tetrahydrocannabinol, or in combination with the voluntary ingestion of any other chemical, inha-

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

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lant, pharmaceutical or other impairing substance or combination of substances.

§ 3. Paragraph (b) of subdivision 1 of section 3380 of the public health law, as amended by chapter 234 of the laws of 1985, is amended to read as follows:

(b) As used in this section hazardous inhalants shall mean and include **halogenated hyrdocarbons including difluoroenthlene, or any gases, including nitrous oxide and** any of the preparations of compounds containing one or more of the chemical compounds[~~;~~]**:** amyl nitrite, isoamyl nitrite, butyl nitrite, isobutyl nitrite, pentyl nitrite or any other [~~**akyl**~~] **alkyl** nitrite compound that is either designed to be used, or commonly used, as an inhalant.

§ 4. Section 1192 of the vehicle and traffic law is amended by adding a new subdivision 13 to read as follows:

13. It shall be an affirmative defense to a charge under subdivisions four and four-a of this section that the operator suffered a medical emergency rather than being impaired by the substance or combination of substances, provided, however, that no defense shall be available if any such ingested substance is contained in section thirty-three hundred six or section thirty-three hundred eighty of the public health law.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that this act shall not apply to any offense committed before such date.