

# 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:

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

3 § 119-c. Inhalant. Any substance set forth in subdivision one of  
4 section thirty-three hundred eighty of the public health law.

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

9 4. Driving while ability impaired by drugs or impairing substances. No  
10 person shall operate a motor vehicle while the person's ability to oper-  
11 ate such a motor vehicle is impaired by the use of a drug as defined in  
12 this chapter, or by marihuana or tetrahydrocannabinol, or by the volun-  
13 tary ingestion of any other chemical, inhalant, pharmaceutical or other  
14 impairing substance or combination of substances, drugs, marihuana or  
15 tetrahydrocannabinol.

16 4-a. Driving while ability impaired by the combined influence of  
17 [~~drugs or of~~] alcohol and any drug [~~or~~], drugs or impairing substances.  
18 No person shall operate a motor vehicle while the person's ability to  
19 operate such motor vehicle is impaired by the combined influence of  
20 [~~drugs or of alcohol and any drug or drugs~~] alcohol and a drug, drugs,  
21 as defined in this chapter, marihuana or tetrahydrocannabinol, or in  
22 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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1 lant, pharmaceutical or other impairing substance or combination of  
2 substances.

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

6 (b) As used in this section hazardous inhalants shall mean and include  
7 halogenated hydrcarbons including difluoroenthene, or any gases,  
8 including nitrous oxide and any of the preparations of compounds  
9 containing one or more of the chemical compounds~~[+]~~; amyl nitrite, isoa-  
10 myl nitrite, butyl nitrite, isobutyl nitrite, pentyl nitrite or any  
11 other ~~[alkyl]~~ alkyl nitrite compound that is either designed to be used,  
12 or commonly used, as an inhalant.

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

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

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