STATE OF NEW YORK

6506--B

Cal. No. 186

2023-2024 Regular Sessions

IN ASSEMBLY

April 12, 2023

Introduced by M. of A. TAPIA, ZACCARO, ALVAREZ, LAVINE, RAJKUMAR, DE LOS SANTOS, SIMONE, REYES, SOLAGES, DICKENS, RIVERA, RAMOS, ARDILA, BUTTENSCHON, FORREST, SHIMSKY, LUCAS, CUNNINGHAM, CRUZ, SIMON, SAYEGH, EPSTEIN, BICHOTTE HERMELYN, BORES, TANNOUSIS, REILLY, K. BROWN, BLUMENCRANZ, CHANG, J. A. GIGLIO, PIROZZOLO, DeSTEFANO -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to prohibiting the sale of xylazine

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

Section 1. The general business law is amended by adding a new section 392-k to read as follows:

§ 392-k. Sale of xylazine. 1. For purposes of this section, the term "xylazine" shall mean a pharmaceutical drug used for sedation, anesthesia, muscle relaxation, and analgesia in animals such as horses, cattle, and other non-human mammals.

2. No corporation, partnership, limited liability company, firm, online platform, or any other business entity doing business within this state shall knowingly sell, offer for sale, or deliver xylazine to individuals without proof of its intended use for institutional, veterinary, or scientific purposes.

3. No corporation, partnership, limited liability company, firm, online platform, or other business entity doing business within this state shall knowingly sell, offer for sale, or deliver xylazine to individuals under the age of twenty-one.

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

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4. Any corporation, partnership, limited liability company, firm, online platform or other business entity doing business within this state which knowingly sells, offers for sale, or distributes xylazine, shall require and retain sales records, proof of age, and proof of use from all purchasers.

5. Any corporation, partnership, limited liability company, firm, online platform, or other business entity doing business within this state that violates the provisions of this section by knowingly selling, offering for sale, or delivering xylazine shall be subject to a civil penalty of not more than three thousand dollars for a first violation, and sixty-five hundred dollars for each subsequent violation, recoverable in an action by the attorney general of the state of New York. All funds collected or received by the state from civil penalties imposed under this section shall be deposited in the New York state drug treatment and public education fund established pursuant to section ninety-nine-jj of the state finance law.

§ 2. This act shall take effect immediately.