STATE OF NEW YORK

7753

2023-2024 Regular Sessions

IN SENATE

November 15, 2023

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

AN ACT to amend the public health law, in relation to the classification of the drug xylazine as a controlled substance; and to amend the penal law, in relation to the criminal sale and possession of xylazine or preparations, compounds, mixtures or substances containing xylazine

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

Section 1. Subdivision (e) of schedule I of section 3306 of the public health law is amended by adding a new paragraph 7 to read as follows:

(7) Xylazine.

§ 2. Subdivision 12 of section 220.00 of the penal law, as amended by chapter 664 of the laws of 1985, is amended and a new subdivision 12-a is added to read as follows:

12. "Dangerous depressant" means any controlled substance listed in schedule I(e)(2), (3), **(7),** II(e), III(c)(3) or IV(c)(2), (31), (32), (40).

12-a. "Adulterant depressant" means any controlled substance listed in schedule I(e)(7) of section thirty-three hundred six of the public health law.

§ 3. Subdivision 1 of section 220.43 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug **or adulterant depressant** and the preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or

§ 4. Subdivision 1 of section 220.41 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug **or adulterant depressant** and the prepara-

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

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tions, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or

§ 5. Subdivision 1 of section 220.39 of the penal law, as amended by chapter 1051 of the laws of 1973, is amended to read as follows:

1. a narcotic drug **or adulterant depressant**; or

§ 6. Subdivision 1 of section 220.21 of the penal law, as amended by chapter 738 of the laws of 2004, is amended to read as follows:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug **or adulterant depressant** and said preparations, compounds, mixtures or substances are of an aggregate weight of eight ounces or more; or

§ 7. Subdivision 1 of section 220.18 of the penal law, as amended by chapter 738 of the laws of 2004, is amended to read as follows:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug **or adulterant depressant** and said preparations, compounds, mixtures or substances are of an aggregate weight of four ounces or more; or

§ 8. Subdivisions 1 and 12 of section 220.16 of the penal law, as amended by chapter 75 of the laws of 1995, are amended to read as follows:

1. a narcotic drug **or adulterant depressant** with intent to sell it; or

12. one or more preparations, compounds, mixtures or substances containing a narcotic drug **or adulterant depressant** and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or

§ 9. Subdivision 1 of section 220.09 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug **or adulterant depressant** and said preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or

§ 10. This act shall take effect immediately.