STATE OF NEW YORK

7763--B

2023-2024 Regular Sessions

IN SENATE

November 17, 2023

Introduced by Sens. MURRAY, ASHBY, BORRELLO, CANZONERI-FITZPATRICK, GALLIVAN, HELMING, MARTINEZ, MARTINS, MATTERA, PALUMBO, RHOADS, TEDISCO, WEBER, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to adding xylazine to the depressants designated as controlled substances

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

Section 1. Subdivision 1 of section 3305 of the public health law is amended by adding a new paragraph (e) to read as follows:

(e) to any individual who possesses, sells, administers, prescribes, or distributes any substance containing xylazine expressly intended for administration through injections to cattle or other nonhuman species and that are approved by the federal food and drug administration solely for such use.

§ 2. 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 (N- (2, 6-dimethylphenyl) - 5, 6-dihydro-4H-1,3 thiazin-2-a-mine). This subdivision shall not include any substance containing xylazine expressly intended for administration through injections to cattle or other nonhuman species and that are approved by the federal food and drug administration. Any individual who knowingly and willfully administers to themself or another person, prescribes, dispenses or distributes such substances when any such substance is intended for human consumption or for any purpose other than injection to cattle or nonhuman species shall be subject to the same penalties as any individual or practitioner who violates the provisions of this section, section

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

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thirty-three hundred four of this title, or any other penalties prescribed by law.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.