

# STATE OF NEW YORK

8130

2023-2024 Regular Sessions

## IN ASSEMBLY

October 13, 2023

Introduced by M. of A. DeSTEFANO -- read once and referred to the  
Committee on Health

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 Assem-  
bly, do enact as follows:

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

3 (7) Xylazine.

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

7 12. "Dangerous depressant" means any controlled substance listed in  
8 schedule I(e)(2), (3), (7), II(e), III(c)(3) or IV(c)(2), (31), (32),  
9 (40).

10 12-a. "Adulterant depressant" means any controlled substance listed in  
11 schedule I(e)(7) of section thirty-three hundred six of the public  
12 health law.

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

15 1. one or more preparations, compounds, mixtures or substances  
16 containing a narcotic drug or adulterant depressant and the prepara-  
17 tions, compounds, mixtures or substances are of an aggregate weight of  
18 two ounces or more; or

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

21 1. one or more preparations, compounds, mixtures or substances  
22 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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1 tions, compounds, mixtures or substances are of an aggregate weight of  
2 one-half ounce or more; or  
3 § 5. Subdivision 1 of section 220.39 of the penal law, as amended by  
4 chapter 1051 of the laws of 1973, is amended to read as follows:  
5 1. a narcotic drug or adulterant depressant; or  
6 § 6. Subdivision 1 of section 220.21 of the penal law, as amended by  
7 chapter 738 of the laws of 2004, is amended to read as follows:  
8 1. one or more preparations, compounds, mixtures or substances  
9 containing a narcotic drug or adulterant depressant and said prepara-  
10 tions, compounds, mixtures or substances are of an aggregate weight of  
11 eight ounces or more; or  
12 § 7. Subdivision 1 of section 220.18 of the penal law, as amended by  
13 chapter 738 of the laws of 2004, is amended to read as follows:  
14 1. one or more preparations, compounds, mixtures or substances  
15 containing a narcotic drug or adulterant depressant and said prepara-  
16 tions, compounds, mixtures or substances are of an aggregate weight of  
17 four ounces or more; or  
18 § 8. Subdivisions 1 and 12 of section 220.16 of the penal law, as  
19 amended by chapter 75 of the laws of 1995, are amended to read as  
20 follows:  
21 1. a narcotic drug or adulterant depressant with intent to sell it; or  
22 12. one or more preparations, compounds, mixtures or substances  
23 containing a narcotic drug or adulterant depressant and said prepara-  
24 tions, compounds, mixtures or substances are of an aggregate weight of  
25 one-half ounce or more; or  
26 § 9. Subdivision 1 of section 220.09 of the penal law, as amended by  
27 chapter 75 of the laws of 1995, is amended to read as follows:  
28 1. one or more preparations, compounds, mixtures or substances  
29 containing a narcotic drug or adulterant depressant and said prepara-  
30 tions, compounds, mixtures or substances are of an aggregate weight of  
31 one-eighth ounce or more; or  
32 § 10. This act shall take effect immediately.