STATE OF NEW YORK

6084

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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 person, corporation, partnership, limited liability company, firm, online platform, or any other business entity doing business within this state shall sell, offer for sale, or deliver xylazine to individuals without proof of its intended use for institutional or scientific purposes.

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

4. Any person, corporation, partnership, limited liability company, firm, online platform or other business entity doing business within this state which 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 individual harmed by a violation of this section shall have a private right of action for compensatory and actual damages, punitive damages, attorneys' fees and costs.

§ 2. This act shall take effect immediately.

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

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