# STATE OF NEW YORK

6208

2023-2024 Regular Sessions

# IN SENATE

April 3, 2023

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

AN ACT to amend the penal law, in relation to classifying possession of fentanyl as criminal possession of a controlled substance in the fifth degree

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

Section 1. Subdivisions 5 and 8 of section 220.06 of the penal law, subdivision 5 as amended by chapter 75 of the laws of 1995 and subdivision 8 as added by chapter 264 of the laws of 2003, are amended and a new subdivision 9 is added to read as follows:

5. cocaine and said cocaine weighs five hundred milligrams or more[~~.~~]**;**

**or**

8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more[~~.~~]**;**

**or**

**9. one or more preparations, compounds, mixtures or substances containing fentanyl, carfentanyl, or analogs thereof when such preparations, compounds, mixtures or substances are of an aggregate weight of five hundred milligrams or more.**

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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