

STATE OF NEW YORK

5376

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sens. ASHBY, BORRELLO, RHOADS, WEBER -- 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:

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

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

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

13 9. one or more preparations, compounds, mixtures or substances
14 containing fentanyl, carfentanyl, or analogs thereof when such prepara-
15 tions, compounds, mixtures or substances are of an aggregate weight of
16 five hundred milligrams or more.

17 § 2. This act shall take effect on the first of November next succeed-
18 ing 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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