

STATE OF NEW YORK

9852

IN SENATE

April 8, 2026

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to designated or
rescheduled drugs

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

1 Section 1. The opening paragraph of section 3306 of the public health
2 law, as added by chapter 664 of the laws of 1985, is amended to read as
3 follows:

4 There are hereby established five schedules of controlled substances,
5 to be known as schedules I, II, III, IV and V respectively. Such sched-
6 ules shall consist of the following substances by whatever name or chem-
7 ical designation known, except as provided in subdivision six of section
8 three thousand three hundred seven of this title:

9 § 2. Subdivision 5 of section 3307 of the public health law, as
10 amended by chapter 777 of the laws of 2022, is amended to read as
11 follows:

12 5. The commissioner shall by regulation or emergency regulation,
13 reclassify any compound, mixture or preparation containing any substance
14 listed in Schedule I of section three thousand three hundred six of this
15 title as a Schedule II, III, IV or V substance, or exempt it from this
16 article, if that same compound, mixture or preparation is redesignated
17 or rescheduled other than under Schedule I under the federal Controlled
18 Substances Act, or deleted as a controlled substance under the federal
19 Controlled Substances Act. If the commissioner acts under this subdivi-
20 sion and does not exempt the compound, mixture or preparation from this
21 article, [~~he or she~~] the commissioner may only reclassify it to a newly
22 created subdivision in the same numbered schedule or a higher numbered
23 schedule than to which it is redesignated or rescheduled under the
24 federal act. This subdivision shall not apply to compounds, mixtures, or
25 preparations described in subdivision six of this section.

26 § 3. Subdivision 6 of section 3307 of the public health law, as renum-
27 bered by chapter 164 of the laws of 2018, is renumbered subdivision 7
28 and a new subdivision 6 is added to read as follows:

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

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1 6. Notwithstanding subdivision five of this section, if any compound,
2 mixture or preparation containing any substance listed in Schedule I of
3 section three thousand three hundred six of this title is approved by
4 the federal food and drug administration and is designated or resched-
5 uled by the federal drug enforcement administration in a schedule other
6 than Schedule I pursuant to 21 U.S.C. § 812 and 21 C.F.R. Part 1308,
7 such compound, mixture or preparation shall, as of the effective date of
8 such federal designation or rescheduling, be deemed scheduled under
9 section three thousand three hundred six of this title in the same sche-
10 dule that the compound, mixture or preparation is scheduled under the
11 federal schedules of controlled substances, without the need for further
12 action by the commissioner.

13 § 4. This act shall take effect immediately.