

STATE OF NEW YORK

4874

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

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

AN ACT to amend the penal law and the criminal procedure law, in relation to criminalizing acting as a runner or soliciting or employing a runner to procure patients or clients

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

1 Section 1. Section 176.00 of the penal law is amended by adding four
2 new subdivisions 6, 7, 8 and 9 to read as follows:

3 6. "Provider" means an attorney, a health care professional, an owner
4 or operator of a health care practice or facility, any person who
5 creates the impression that they, or their practice can provide legal or
6 health care services, any person employed or acting on behalf of any
7 such person, or any person providing management or consulting services
8 to any such person.

9 7. "Public media" means telephone directories, professional directo-
10 ries, newspapers and other periodicals, radio and television, bill-
11 boards, and mailed or electronically transmitted written communications
12 that do not involve direct contact with a specific prospective client,
13 patient, or customer.

14 8. "Runner" means a person who, for a pecuniary benefit, procures or
15 attempts to procure a client, patient or customer at the direction of,
16 request of or in cooperation with a provider whose purpose is to seek to
17 obtain benefits under a contract of insurance or assert a claim against
18 an insured or an insurance carrier for providing services to the client,
19 patient or customer, or to obtain benefits under or assert a claim
20 against a state or federal health care benefits program or prescription
21 drug assistance program. "Runner" shall not include (a) a person who
22 procures or attempts to procure clients, patients or customers for a
23 provider through public media; (b) a person who refers clients, patients
24 or customers as otherwise authorized by law; or (c) a person who, as an

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

LBD09377-01-5

1 agent, broker or employee of a health maintenance organization as
2 defined in section forty-four hundred one of the public health law,
3 seeks to sell health maintenance organization coverage or health insur-
4 ance coverage to an individual or group.

5 9. "Pecuniary benefit" means goods, money, property, services or
6 anything of value, or an agreement to confer or receive any such goods,
7 money, property, services, or thing of value.

8 § 2. The penal law is amended by adding three new sections 176.85,
9 176.90 and 176.95 to read as follows:

10 § 176.85 Unlawful procurement of clients, patients or customers in the
11 third degree.

12 A person is guilty of unlawful procurement of clients, patients or
13 customers in the third degree when such person knowingly:

14 1. acts as a runner on one or more occasions; or

15 2. uses, solicits, directs, hires or employs another person to act as
16 a runner on one or more occasions.

17 Unlawful procurement of clients, patients or customers in the third
18 degree is a class A misdemeanor.

19 § 176.90 Unlawful procurement of clients, patients or customers in the
20 second degree.

21 A person is guilty of unlawful procurement of clients, patients or
22 customers in the second degree when such person knowingly:

23 1. acts as a runner on one or more occasions for a pecuniary benefit
24 that in the aggregate exceeds two thousand five hundred dollars in value
25 or acts as a runner on five or more occasions; or

26 2. uses, solicits, directs, hires or employs one or more persons to
27 act as a runner on one or more occasions for a pecuniary benefit that in
28 the aggregate exceeds two thousand five hundred dollars in value or
29 uses, solicits, directs, hires or employs one or more persons to act as
30 a runner on five or more occasions.

31 Unlawful procurement of clients, patients or customers in the second
32 degree is a class E felony.

33 § 176.95 Unlawful procurement of clients, patients or customers in the
34 first degree.

35 A person is guilty of unlawful procurement of clients, patients or
36 customers in the first degree when such person knowingly:

37 1. acts as a runner on one or more occasions for a pecuniary benefit
38 that in the aggregate exceeds five thousand dollars in value or acts as
39 a runner on ten or more occasions; or

40 2. uses, solicits, directs, hires or employs one or more persons to
41 act as a runner on one or more occasions for a pecuniary benefit that in
42 the aggregate exceeds five thousand dollars or uses, solicits, directs,
43 hires or employs one or more persons to act as a runner on ten or more
44 occasions.

45 Unlawful procurement of clients, patients or customers in the first
46 degree is a class D felony.

47 § 3. Paragraph (a) of subdivision 1 of section 460.10 of the penal
48 law, as amended by chapter 134 of the laws of 2019, is amended to read
49 as follows:

50 (a) Any of the felonies set forth in this chapter: sections 120.05,
51 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
52 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
53 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
54 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to
55 labor trafficking; section 135.65 relating to coercion; sections 140.20,
56 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and

1 145.12 relating to criminal mischief; article one hundred fifty relating
2 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
3 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
4 care fraud; article one hundred sixty relating to robbery; sections
5 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
6 stolen property; sections 165.72 and 165.73 relating to trademark coun-
7 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
8 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and
9 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
10 176.30 relating to insurance fraud; sections 176.90 and 176.95 relating
11 to unlawful procurement of clients, patients and customers; sections
12 178.20 and 178.25 relating to criminal diversion of prescription medica-
13 tions and prescriptions; sections 180.03, 180.08, 180.15, 180.25,
14 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20,
15 200.22, 200.25, 200.27, 200.56, 215.00, 215.05 and 215.19 relating to
16 bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to residen-
17 tial mortgage fraud, sections 190.40 and 190.42 relating to criminal
18 usury; section 190.65 relating to schemes to defraud; any felony defined
19 in article four hundred ninety-six; sections 205.60 and 205.65 relating
20 to hindering prosecution; sections 210.10, 210.15, and 215.51 relating
21 to perjury and contempt; section 215.40 relating to tampering with phys-
22 ical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31,
23 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60, 220.65 and
24 220.77 relating to controlled substances; sections 225.10 and 225.20
25 relating to gambling; sections 230.25, 230.30, and 230.32 relating to
26 promoting prostitution; section 230.34 relating to sex trafficking;
27 section 230.34-a relating to sex trafficking of a child; sections
28 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10
29 and 263.15 relating to promoting a sexual performance by a child;
30 sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
31 provisions of section 265.10 which constitute a felony relating to
32 firearms and other dangerous weapons; sections 265.14 and 265.16 relat-
33 ing to criminal sale of a firearm; section 265.50 relating to the crimi-
34 nal manufacture, sale or transport of an undetectable firearm, rifle or
35 shotgun; section 275.10, 275.20, 275.30, or 275.40 relating to unauthor-
36 ized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating
37 to money laundering; or

38 § 4. Paragraph (b) of subdivision 8 of section 700.05 of the criminal
39 procedure law, as amended by chapter 23 of the laws of 2024, is amended
40 to read as follows:

41 (b) Any of the following felonies: assault in the second degree as
42 defined in section 120.05 of the penal law, assault in the first degree
43 as defined in section 120.10 of the penal law, reckless endangerment in
44 the first degree as defined in section 120.25 of the penal law, promot-
45 ing a suicide attempt as defined in section 120.30 of the penal law,
46 strangulation in the second degree as defined in section 121.12 of the
47 penal law, strangulation in the first degree as defined in section
48 121.13 of the penal law, criminally negligent homicide as defined in
49 section 125.10 of the penal law, manslaughter in the second degree as
50 defined in section 125.15 of the penal law, manslaughter in the first
51 degree as defined in section 125.20 of the penal law, murder in the
52 second degree as defined in section 125.25 of the penal law, murder in
53 the first degree as defined in section 125.27 of the penal law, rape in
54 the third degree as defined in section 130.25 of the penal law, rape in
55 the second degree as defined in section 130.30 of the penal law, rape in
56 the first degree as defined in section 130.35 of the penal law, a crime

1 formerly defined in section 130.40 of the penal law, a crime formerly
2 defined in section 130.45 of the penal law, a crime formerly defined in
3 section 130.50 of the penal law, sexual abuse in the first degree as
4 defined in section 130.65 of the penal law, unlawful imprisonment in the
5 first degree as defined in section 135.10 of the penal law, kidnapping
6 in the second degree as defined in section 135.20 of the penal law,
7 kidnapping in the first degree as defined in section 135.25 of the penal
8 law, labor trafficking as defined in section 135.35 of the penal law,
9 aggravated labor trafficking as defined in section 135.37 of the penal
10 law, custodial interference in the first degree as defined in section
11 135.50 of the penal law, coercion in the first degree as defined in
12 section 135.65 of the penal law, criminal trespass in the first degree
13 as defined in section 140.17 of the penal law, burglary in the third
14 degree as defined in section 140.20 of the penal law, burglary in the
15 second degree as defined in section 140.25 of the penal law, burglary in
16 the first degree as defined in section 140.30 of the penal law, criminal
17 mischief in the third degree as defined in section 145.05 of the penal
18 law, criminal mischief in the second degree as defined in section 145.10
19 of the penal law, criminal mischief in the first degree as defined in
20 section 145.12 of the penal law, criminal tampering in the first degree
21 as defined in section 145.20 of the penal law, arson in the fourth
22 degree as defined in section 150.05 of the penal law, arson in the third
23 degree as defined in section 150.10 of the penal law, arson in the
24 second degree as defined in section 150.15 of the penal law, arson in
25 the first degree as defined in section 150.20 of the penal law, grand
26 larceny in the fourth degree as defined in section 155.30 of the penal
27 law, grand larceny in the third degree as defined in section 155.35 of
28 the penal law, grand larceny in the second degree as defined in section
29 155.40 of the penal law, grand larceny in the first degree as defined in
30 section 155.42 of the penal law, unlawful procurement of clients,
31 patients or customers in the second degree as defined in section 176.90
32 of the penal law, unlawful procurement of clients, patients or customers
33 in the first degree as defined in section 176.95 of the penal law,
34 health care fraud in the fourth degree as defined in section 177.10 of
35 the penal law, health care fraud in the third degree as defined in
36 section 177.15 of the penal law, health care fraud in the second degree
37 as defined in section 177.20 of the penal law, health care fraud in the
38 first degree as defined in section 177.25 of the penal law, robbery in
39 the third degree as defined in section 160.05 of the penal law, robbery
40 in the second degree as defined in section 160.10 of the penal law,
41 robbery in the first degree as defined in section 160.15 of the penal
42 law, unlawful use of secret scientific material as defined in section
43 165.07 of the penal law, criminal possession of stolen property in the
44 fourth degree as defined in section 165.45 of the penal law, criminal
45 possession of stolen property in the third degree as defined in section
46 165.50 of the penal law, criminal possession of stolen property in the
47 second degree as defined by section 165.52 of the penal law, criminal
48 possession of stolen property in the first degree as defined by section
49 165.54 of the penal law, trademark counterfeiting in the second degree
50 as defined in section 165.72 of the penal law, trademark counterfeiting
51 in the first degree as defined in section 165.73 of the penal law,
52 forgery in the second degree as defined in section 170.10 of the penal
53 law, forgery in the first degree as defined in section 170.15 of the
54 penal law, criminal possession of a forged instrument in the second
55 degree as defined in section 170.25 of the penal law, criminal
56 possession of a forged instrument in the first degree as defined in

1 section 170.30 of the penal law, criminal possession of forgery devices
2 as defined in section 170.40 of the penal law, falsifying business
3 records in the first degree as defined in section 175.10 of the penal
4 law, tampering with public records in the first degree as defined in
5 section 175.25 of the penal law, offering a false instrument for filing
6 in the first degree as defined in section 175.35 of the penal law, issu-
7 ing a false certificate as defined in section 175.40 of the penal law,
8 unlawful procurement of clients, patients or customers in the second
9 degree as defined in section 176.90 of the penal law, unlawful procure-
10 ment of clients, patients or customers in the first degree as defined in
11 section 176.95 of the penal law, criminal diversion of prescription
12 medications and prescriptions in the second degree as defined in section
13 178.20 of the penal law, criminal diversion of prescription medications
14 and prescriptions in the first degree as defined in section 178.25 of
15 the penal law, residential mortgage fraud in the fourth degree as
16 defined in section 187.10 of the penal law, residential mortgage fraud
17 in the third degree as defined in section 187.15 of the penal law, resi-
18 dential mortgage fraud in the second degree as defined in section 187.20
19 of the penal law, residential mortgage fraud in the first degree as
20 defined in section 187.25 of the penal law, escape in the second degree
21 as defined in section 205.10 of the penal law, escape in the first
22 degree as defined in section 205.15 of the penal law, absconding from
23 temporary release in the first degree as defined in section 205.17 of
24 the penal law, promoting prison contraband in the first degree as
25 defined in section 205.25 of the penal law, hindering prosecution in the
26 second degree as defined in section 205.60 of the penal law, hindering
27 prosecution in the first degree as defined in section 205.65 of the
28 penal law, sex trafficking as defined in section 230.34 of the penal
29 law, sex trafficking of a child as defined in section 230.34-a of the
30 penal law, criminal possession of a weapon in the third degree as
31 defined in subdivisions two, three and five of section 265.02 of the
32 penal law, criminal possession of a weapon in the second degree as
33 defined in section 265.03 of the penal law, criminal possession of a
34 weapon in the first degree as defined in section 265.04 of the penal
35 law, manufacture, transport, disposition and defacement of weapons and
36 dangerous instruments and appliances defined as felonies in subdivisions
37 one, two, and three of section 265.10 of the penal law, sections 265.11,
38 265.12 and 265.13 of the penal law, or prohibited use of weapons as
39 defined in subdivision two of section 265.35 of the penal law, relating
40 to firearms and other dangerous weapons, criminal manufacture, sale or
41 transport of an undetectable firearm, rifle or shotgun as defined in
42 section 265.50 of the penal law, or failure to disclose the origin of a
43 recording in the first degree as defined in section 275.40 of the penal
44 law;

45 § 5. This act shall take effect on the first of November next succeed-
46 ing the date upon which it shall have become a law.