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 Assembly, do enact as follows:

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

There are hereby established five schedules of controlled substances, to be known as schedules I, II, III, IV and V respectively. Such schedules shall consist of the following substances by whatever name or chemical designation known**, except as provided in subdivision six of section three thousand three hundred seven of this title**:

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

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

§ 3. Subdivision 6 of section 3307 of the public health law, as renumbered by chapter 164 of the laws of 2018, is renumbered subdivision 7 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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6. Notwithstanding subdivision five of this section, if any compound, mixture or preparation containing any substance listed in Schedule I of section three thousand three hundred six of this title is approved by the federal food and drug administration and is designated or rescheduled by the federal drug enforcement administration in a schedule other than Schedule I pursuant to 21 U.S.C. § 812 and 21 C.F.R. Part 1308, such compound, mixture or preparation shall, as of the effective date of such federal designation or rescheduling, be deemed scheduled under section three thousand three hundred six of this title in the same schedule that the compound, mixture or preparation is scheduled under the federal schedules of controlled substances, without the need for further action by the commissioner.

§ 4. This act shall take effect immediately.